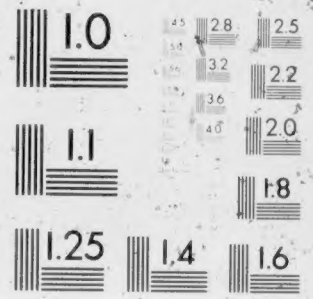
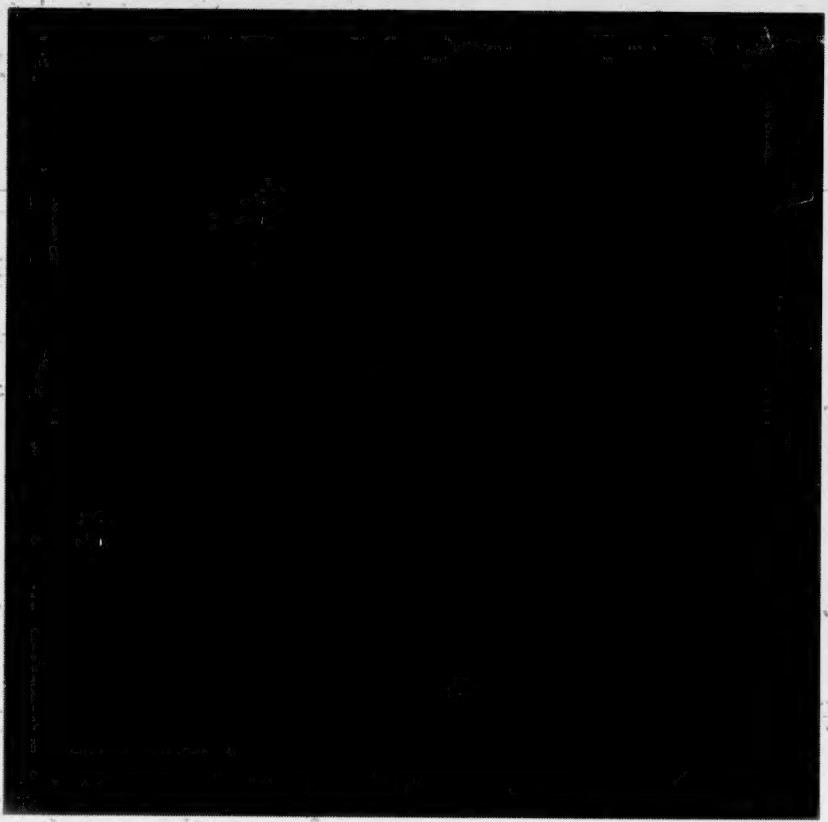
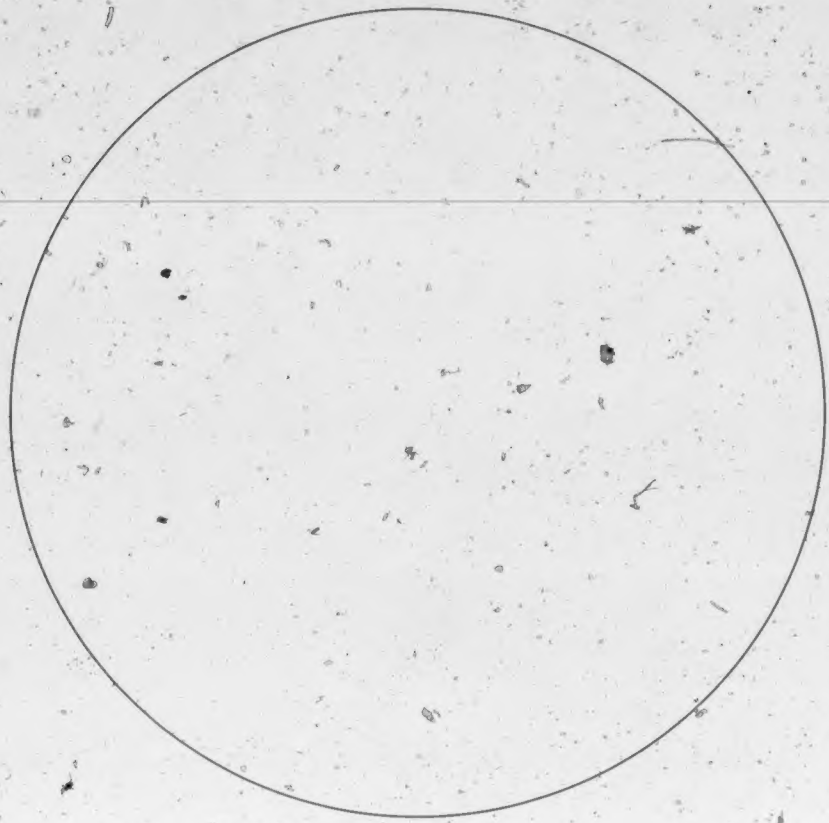
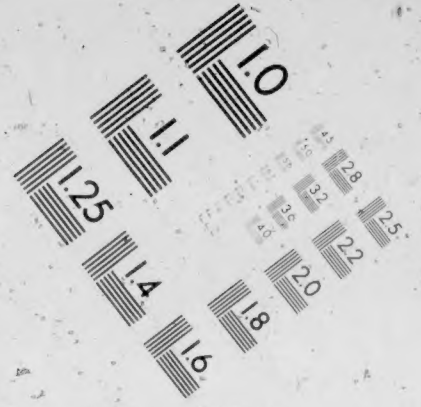
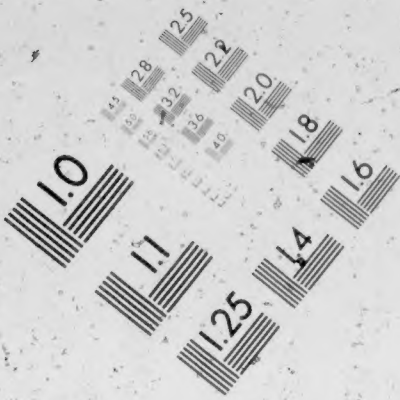
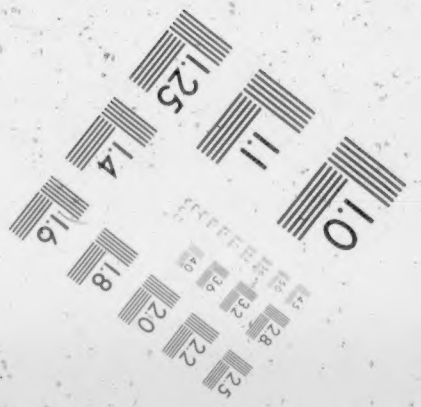
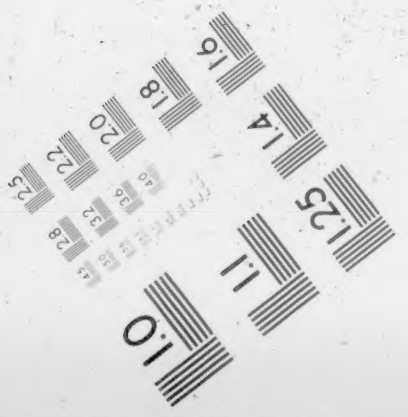
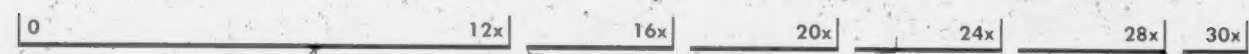


NATIONAL ARCHIVES CENTER  
FORT WORTH, TEXAS



SHOULD MEASURE .25" AT REDUCTION



MANUFACTURED BY  
PHOTOGRAPHIC SCIENCES CORPORATION  
770 BASKET ROAD  
P.O. BOX 338  
WEBSTER, NEW YORK 14580



**NATIONAL ARCHIVES MICROFILM PUBLICATIONS**

Microfilm Publication M1301

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

ROLL 139

MISSISSIPPI CHOCTAW MCR 4778 - MCR 4856

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

**WASHINGTON: 1983**

Choctaw MCR 4-778

Walter Taylor

MCR 4778

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

-----

In the matter of the application of Walter Taylor, et al., for identification as Mississippi Choctaws, M C R 4778.

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

	Page.
Original application of Walter Taylor, et al., before the Dawes Commission for identification as Mississippi Choctaws .....	1
Affidavit of D. J. Johnson .....	8
Affidavit of Judia Brown .....	9
Affidavit of George Jackson .....	10
Copy of marriage license of Walter Taylor and Hattie Kinney .....	11
Decision of the Commission refusing the application of Walter Taylor, et al., for identification as Mississippi Choctaws .....	12

4778

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 14, 1902.

In the matter of the application of Walter Taylor for the identification of himself and his three minor children, Walter Jr., Neeley and Charley, as Mississippi Choctaws.

Appearances:

S.A. Beadle, Attorney for Applicant.  
A. W. Jones, Agent for applicant.

Walter Taylor, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Walter Taylor.  
Q How old are you? A Twenty eight.  
Q How much Choctaw blood have you? A They claim I am half. I can't tell more than what they told me; they said my father was half and my mother was too.  
Q What's your post office address? A Winona, Mississippi.  
Q How long have you lived in Montgomery County? A Been there eight years.  
Q Where did you live before that? A Carroll County, Mississippi.  
Q How long did you live there? A All my life.  
Q Is your father living? A No, sir.  
Q What was his name? A Scott Taylor.  
Q Your mother living? A No, sir.  
Q What was her name? A Zilla Taylor.  
Q Now, you claim that your father was a half Choctaw? A Yes, sir.  
Q And you claim that your mother was half Choctaw? A Yes, sir.  
Q How old would your father be if he were living now? A I can't tell anything about my father more than what they told me; I never remember seeing him.  
Q How old do you think he would be if he were living now? A I guess he would be somewhere about fifty or sixty years old, somewhere along there.  
Q How old would your mother be if she were living now? A I couldn't tell that, but I reckon she would be somewhere about fifty.  
Q Were they slaves, your father and mother? A No, sir.  
Q Sure about that? A The old ones always told me they wasn't; I don't know anything about that; they died when I was mighty young.  
Q Where were they born? A In Carroll County.  
Q Lived there all their lives? A Yes, sir.  
Q Do you know the name of your father's father? A Yes, sir, John Taylor.  
Q Did he have any Choctaw blood? A They claimed he was a full Choctaw.  
Q Have you ever seen him? A Yes, sir, I have seen him.  
Q Was he a full blood Choctaw? A Yes, sir, he looked like some I have they called full bleeds.

Walter Taylor, et al., 2.

Q Didn't he have any negro blood? A No, sir, he didn't look to have any; he said that he didn't.

Q When did he die? A He's been dead, I reckon - he's been dead about sixteen years, somewhere about that ?

Q How old was he when he died? A He was about seventy five or eighty years old.

Q Did he have a Choctaw name? A Had no name that I knows anything about but John.

Q Did he speak or understand the Choctaw language? A I never heard him talk no more than like we talk.

Q Where did he live during his life time? A In Carroll County

Q Born and raised there? A I reckon so; I don't know of anywhere else.

Q Did you know either of his parents? A No, sir, I don't know nothing about his parents at all.

Q Do you know the names of your mother's parents? A Yes, sir, her father was named Edmon Jackson.

Q Was he a full blood Choctaw too? A Yes, sir, that's what they tell me.

Q You couldn't swear that either one of these people were full bloods? A No, sir, no more than what I have been told.

Q Did you ever see Edmond? A No, sir, never saw him at all.

Q Where did he live during his life time? A He lived in Hemmenway settlement in Carroll County.

Q Did he live in Carroll County all his life? A As long as I heard of him, I never heard of him being anywhere else.

Q What was the name of your father's mother? A Her name was Dinah.

Q Was John Taylor married to her? A Yes, sir.

Q Are you sure of that? A They always told me that.

Q How long did they live together as man and wife? A When he died, they was together then.

Q Lived together a number of years? A Yes, sir.

Q How many children did they have? A They had, I think - to my knowing - well, they had four that I know. Well, not but three that I know.

Q What was the name of your mother's mother? A Maria.

Q Was Edmond Jackson married to her? A Yes, sir.

Q How do you know? A So they tells me. I heard my aunts or uncles, or something like that, say so.

Q Do you know how long they lived together? A No, sir.

Q How many children did she have by Edmond? A I couldn't tell you; there was so many of them; I don't know them all. She had a lot of them.

Q So far as you know, all of your people have always lived here in Mississippi? A Yes, sir, so far as I know, sir.

Q Are you married? A Yes, sir.

Q Wife living? A Yes, sir.

Q Been married more than once? A No, sir, just married once.

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

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

Q What's her name? A Hattie Taylor.

Q How many children have you living? A Three.

Q What are their names and ages? A Neeley, she's four years old.

Q Next one? A Walter Jr., he's three years old, and Charley, one year old.

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



Walter Taylor, et al., 3.

- Q Are they all the children of yourself and Hattie Taylor? A Yes, sir.
- Q Were you married to Hattie under a license? A Yes, sir.
- Q When? A Five years ago.
- Q Where? A In Carroll County.
- Q Who married you? A Anderson Martin.
- Q What official position did he hold? A Pastor - preacher.
- Q Have you your marriage license and certificate with you at this time? A No, sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Hattie, for use in connection with the application which you make in behalf of your minor children. This evidence should be furnished within thirty days from this date, if possible.

- Q This application is for yourself and three minor children, is that right? A Yes, sir.
- Q Are these children all boys? A The oldest one is a girl; the two youngest ones are boys.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, sir.
- Q Has any application of any description ever been made for you before to-day for the purpose of establishing your rights as Choctaw Indians? A No, sir.
- Q This, then, is the first application of any description that has ever been made for you? 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 for yourself and three minor children, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

Walter Taylor, et al., 4.

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

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek. Do you understand it? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A No, sir, not as ever I heard of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when the treaty of Dancing Rabbit Creek was made? A Not as I know of.

Q Did any of them, in fact, live here in the old Choctaw Nation, in Mississippi, and Alabama, in the year 1830, when this treaty was made? A I don't know, sir.

Q Did any of them move to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know, sir.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was made, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States? A No, sir, not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Any of them ever get any land from the Government under any other provision of that treaty? A No, sir.

Q Any of them ever get any money from the Government? A No, sir.

Q None of them ever get any benefits from the Government as Choctaw Indians that you know of? A No, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take

Walter Taylor, et al., 5.

land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here in Mississippi and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, not that ever I heard of.

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

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know of any.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence of any description to offer at this time? A Yes, sir.

Q You have? A Yes, sir.

Q

The affidavits of D. J. Johnson, Judia Brown and George Jackson, are offered in evidence, identified as Exhibit "A" filed and made a part of the record in this case.

Walter, Taylor, et al., 5.

- Q Who is D.J. Johnson? A Old man Dudley Johnson who stayed here at Carrollton.
- Q Is he any kin to you? A No, sir.
- Q What color is he? A He may be a little brighter than I am.
- Q Who is Julia Brown? A That's my mother's sister.
- Q Where does she live? A Carrollton, Mississippi.
- Q Who is George Jackson? A My mother's brother.
- Q Where does he live, at Carrollton too? A Yes, sir.
- Q Full brother of your mother's? A Yes, sir.
- Q Has he been before the Commission? A No, sir.
- Q He is a half blood Choctaw too, is he? A Yes, sir.
- Q That all the written evidence you have to offer? A Yes, sir.
- Q Have you any witnesses here to-day? A No, sir.
- Q Any further statements you want to make? A No, sir, no more than I would like to know if them papers would do for my sister when she comes down.
- Q They will be considered in her case if she makes application to the Commission? A Yes, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi, today or tomorrow, or within a reasonable time thereafter at the General office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

- Q How many brothers and sisters have you living? A One brother and two sisters.
- Q What's the name of your brother? A Edmond Taylor.
- Q Has he been before the Commission? A No, sir.
- Q What are the names of your sisters? A Laura McBride and Harriet Allen.
- Q Have either of them been before the Commission? A No, sir.
- Q Have got any brothers or sisters dead? A No, sir, - yes, sir, I believe I have a sister dead.
- Q Did she leave children? A No, sir.
- Q Are any of your father's brothers or sisters living? A My father's sisters?
- Q Brothers or sisters? A He has not a sister living.
- Q What's her name? A Laura. She's been married a time or so since I seen her last, but I know her name is Laura though. She had been once in a time Laura Walton.
- Q Is she a full sister to your father? A Yes, sir.
- Q Did your father ever have any brothers? A No, sir, none as I ever heard of.
- Q Is he got sisters dead? A Yes, sir.
- Q How many? A Two of them.
- Q Did any of them leave children? A Yes, sir, some of them did.
- Q Are any of the children living now? A He had a sister named Alice that's dead; she's got one child living.
- Q What's the name of that child? A Letha.
- Q Letha what? A Lardy.
- Q Is that all? A Yes, sir, that's all of the children she had to my knowledge.
- Q

Walter Taylor, et al., 7.

- Q Are any of the children of any other of your father's sisters living? A Not as I know of. If there is, I can't tell you.
- Q How many of your mother's brothers are living now? A Two.
- Q What are their names? A George Jackson and Tom Jackson.
- Q Has either of them been before the Commission? A No, sir.
- Q Has your mother any brothers dead? A Yes sir.
- Q How many? A Got one to my knowing.
- Q Did he leave children? A Yes sir, but they are all grown, I think.
- Q Do you know their names now? A No, sir, I don't know their names; I got a letter from them; they live in Greenville, Mississippi.
- Q How many of your father's sisters are living? A Five or six of them.
- Q What are their names? A Judia Brown, Rachel Coleman.
- Q Next one? A One named Malissa, but I don't know her name besides Malissa.
- Q Another one? A Bessie.
- Q Next one? A That's all I know.
- Q Has any one of them been before the Commission? A No, sir.
- Q Has your mother any sisters dead? A One, to my knowing.
- Q What was her name? A Jané.
- Q What other name? A Jackson.
- Q Was she married at the time of her death? A No, sir.
- Q Any further statements you want to make at this time? A No sir.

(This applicant has the appearance of being a full blood negro, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. S. Strait, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled case at Meridian, Mississippi, on the 14th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said case upon said date.

Subscribed and sworn to before me at Philadelphia, Mississippi, this 6th day of March, 1902.

*L. B. Woodin*  
Clerk U. S. Circuit Court,  
Southern District of Mississippi.

By

*J. M. ...*

Deputy.



E.K.  
C.W.W.

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

~~XXXXXXXXXXXXXXXXXXXX~~

In the matter of the application of Walter Taylor, et al., for identification as Mississippi Choctaws, M C R 4778.

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

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Walter Taylor for himself and his three minor children, Neeley, Walter, Jr., and Charley Taylor, 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 John Taylor, who is alleged to have been a full blood Choctaw Indian, and Edmon (or Edmond) Jackson, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1898 (29 Stats., 321).

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

3.

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

COMMISSION TO THE FIVE CIVILIZED TRIBES,

1892

Edwin Kirby

Acting Chairman.

T. D. Moffitt

Commissioner.

C. R. Frothingham

Commissioner.

Muskegee, Indian Territory,

OCT 30 1902

Miss. Chooc. 4778

Muskogee, Indian Territory, March 21, 1902.

Walter Taylor,  
Winona, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the eighteenth instant, inclosing certified copy of marriage license and certificate between Walter Taylor and Hattie Kinney, offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. The same has been filed with the record in your case.

You also ask what else is necessary in order to establish your claim, and in reply you are advised that the Commission cannot take up the evidence offered in support of applications for identification as Mississippi Choctaws and pass upon the sufficiency of the same until the cases are taken up for final consideration and determination. As soon as a decision is reached in your case you will be notified of the action taken by the Commission.

Yours truly,

Commissioner in Charge.

W.C.R. 4778

Muskogee, Indian Territory, October 30, 1902.

Mansfield, Murray & Cornish,

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

Gentlemen:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Walter Taylor, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 18, 189 , (30 stat., 495), which is follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and 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 Walter Taylor, Healy Taylor, Walter Taylor, Jr., and Charley Taylor as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."



M. MCM. ' & C. ---?

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

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, October 30, 1902.

A. E. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Walter Taylor, et al., applicants for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

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

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within

2

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)  
*John D. ...*  
Acting Chairman.

Registered.

Muskogee, Indian Territory, October 30, 1907.

S. A. Beadle,  
Attorney at Law,  
Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 30th day of October, 1907, the Commission to the Five Civilized Tribes rendered a decision in the case of Walter Taylor, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 26, 1896, (30 Stat., 496) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Walter Taylor, Neeley Taylor, Walter Taylor, Jr. and Charley Taylor as Choctaw Indians entitled 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 principal applicant in this case has been allowed fifteen days from the date hereof within

S.A.B.--2

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, October 30, 1902.

Walter Taylor,  
Winona, Mississippi.

Dear Sir:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Walter Taylor, et al., applicants for identification as Mississippi Choctaws.

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

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary hereto, and 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 Walter Taylor, Neeley Taylor, Walter Taylor, Jr., and Charley Taylor, as Choctaw Indians entitled 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

W.T.---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,

Acting Chairman.

Registered.

M C R 4778

CO

Muskogee, Indian Territory, November 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Walter Taylor, et al., applicants for identification as Mississippi Choctaws, including the decision of the Commission of October 30, 1902.

The Commission has the honor to report that the principal applicant in this case, his agent, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Acting Chairman.

Enc. M.C.R. 4778

Land.  
69047-1902

(COPY)

Department of the Interior,  
Office of Indian Affairs,  
Washington, February 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to submit, herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Walter Taylor, for himself and his three minor children, Neeley, Walter Jr., and Charley Taylor, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on October 30, 1902.

The testimony in this case shows that the applicants base their claims to identification as Mississippi Choctaws under this application, because of their descent from John Taylor, Dinah Taylor, Edmond Jackson and Maria Jackson. They claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation in Mississippi, at the time of the making of the Choctaw treaty of 1830.

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

An examination has been made of the records of this office with reference to John Taylor, Dinah Taylor, Edmond Jackson and Maria Jackson, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the pro-

visions of the 14th article of the Charter treaty of 1830.

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

Very respectfully,

A. C. Turner,

Acting Commissioner.

W. J. P.

THE [illegible] OF [illegible] IN [illegible]

[illegible text block]

[illegible text block]

[illegible text block]

[illegible text block]

[illegible text block]







Mustang, Indian Territory, March 9, 1903.

Dear Sir:

Applicant's name:

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 24th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission regarding the application for identification as Mississippians of the several persons included in the case of Walter Jackson, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 9, 1903.

Walter Taylor,  
Winona, Mississippi.

Dear Sir:

You are hereby notified that on the 24th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Walter Taylor, et al., of which decision you were advised by registered mail on the 30th day of October, 1902.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Meridian Miss Date FEB 11 1902

Name Walter Taylor

Age 28 Blood 1/2

Post Office, Winona, Miss

Father: Scott Taylor 1/2 d

Mother: Gillia .. 1/2 d.

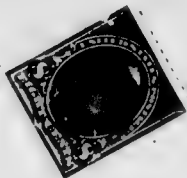
Claims through both parents wife

Hattie Taylor. No claim for wife.

Children:

Miley Taylor 4
Walter ' jr. 3
Charley ' 1





Department of the Interior.

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

OFFICIAL BUSINESS

Penalty for private use, \$300.

789

Walter Taylor,

Winona, Mississippi.

4778

---

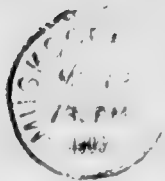


11  
AUG 1911

1911

11

CHINA



Department of the Interior.

Commission to the Five Civilized Tribes,

**MUSKOGEE, IND. TER.**

**OFFICIAL BUSINESS.**

**Penalty for private use, \$300.**



Walter Taylor,

Winona, Mississippi.

Choctaw MCR 4779

Sallie Bains

MCR 4779



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

-----;-----  
In the matter of the application of Sallie Bains, et al.,  
for identification as Mississippi Choctaws, N. C. R. 4779.

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

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

Testimony of Riley Pitman before the Commission. 5

Decision of the Commission refusing the application  
of Sallie Bains, et al., for identification as Mis-  
sissippi Choctaws. 8

-----;-----

44-1

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 14, 1902.

In the matter of the application of Sallie Bains for the identification of herself and nine minor children, Emma, Anos, Ella, Frank, Dollie, Maggie, Shed, Matie and Tomie, as Mississippi Choctaws.

Sallie Bains, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Sallie Bains.  
Q How old are you? A I am forty years old.  
Q How much Choctaw blood have you? A Quarter.  
Q What's your post office address? A Kilmichael, Mississippi.  
Q What county? A Montgomery County.  
Q How long have you lived in Montgomery County? A All my life.  
Q Is your father living? A I don't know anything about him.  
Q Do you know what his name was? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was her name? A Lou Townsend; she was Lou Brown.  
Q How long has she been dead? A Five years.  
Q How old was she when she died? A She was about sixty five years old, I suppose.  
Q You get your Choctaw blood through your mother solely? A Yes, sir.  
Q Was your mother a slave? A No, sir.  
Q Where was she born? A She was born in Mississippi.  
Q What county? A Montgomery.  
Q Lived there all her life? A Yes, sir.  
Q How much Choctaw blood did she have? A She was half. Her mother was a full blood.  
Q Did you ever see her mother? A Yes, sir, but I was quite small; I can't remember anything about her.  
Q What was her mother's name? A Mary Brown.  
Q You are sure she was a full blood Choctaw, are you? A Yes, sir.  
Q Where was Mary born? A In Mississippi.  
Q Where? A Montgomery.  
Q She lived in Montgomery County all her life? A Yes, sir.  
Q Did Mary have a Choctaw name? A Well, I don't know; I was quite small, you know, when she died.  
Q Did she speak the Choctaw language? A My mother said she could; I couldn't remember that; I was quite small anyway when she died. I have a witness older than I am.  
Q Do you know the name of Mary's father or her mother? A I heard my mother say Mary's father's name was Solomon Grapevine.  
Q Ever hear what Mary's mother's name was? A No, sir.  
Q Did you ever see Solomon? A Me, myself? Oh! yes, sir.  
Q Solomon Grapevine? A Yes, sir.  
Q What was he? A He was a full blood Choctaw. Yes, sir, I seen him after I was near grown.  
Q Where did he live? A In Mississippi.  
Q What county? A Montgomery County; my mother said that was my

Sallie Baines, et al., 2.

grand mother's father, you know.

Q You never heard him say he was the father of Mary Brown, did you?

A No, sir.

Q So far as you know all of your Choctaw ancestors have always lived here in Mississippi have they? A Yes, sir.

Q Are you married? A Yes, sir.

Q Been married more than once? A No, sir.

Q Your husband living? A Yes, sir.

Q Was he any Choctaw blood? A No, sir.

Q What's his name? A Paul Baines.

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

Q How many children have you living who are under twenty one years of age and unmarried? A I have nine; one is married.

Q Give us the names and ages of those children? A Yes.

Q How old? A Eighteen.

Q Next one? A Amos, is seventeen.

Q Next one? A Ella.

Q How old? A Fifteen.

Q Next one? A Frank, is twelve.

Q Next one? A Dollie.

Q How old? A She's 11 years old.

Q Next one? A She's 8 years old.

Q What's her name? A Maggie.

Q What's the name of the next one? A Shed.

Q Is that a boy? A Yes, sir.

Q How old is Shed? A Five years old.

Q Next one? A Mattie.

Q How old is Mattie? A Three years old.

Q Next one? A Tommie.

Q How old is Tommie? A Five months old.

Q That's all is it? A Yes, sir.

Q Are all these children living with you at this time? A Yes, sir, only they are off at school; they are living with me though.

Q Are they all the children of yourself and Paul Baine? A Yes, sir.

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

Q Is your name or any of these children's names to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir.

Q Was any application of any description ever been made for yourself or any of these children, before to-day for the purpose of establishing your rights as Choctaw Indians? A No, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and nine minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q You understand it do you? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A Not that I know of.

Q Did any of them own an improvement here in the old Choctaw nation in Mississippi and Alabama in the year 1830, when this treaty was made? A No, sir.

Q Did any of them ~~live~~ live here seventy one years ago, when this treaty was made? A Yes, sir my mother lived here, I suppose; she would be seventy if she had lived; she was sixty five or sixty six when she died, and she has been dead fifteen years.

Q Where was she living then? A In Montgomery County where she has always lived.

Q You think her mother was living there then too do you? A Yes, sir.

Q Did any of your Choctaw ancestors move to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838?

A No, sir.

Q Any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know, sir. I was small.

Q Any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

Q Did any of them ever get any land from the Government here in Mississippi under any other article of that treaty, or under the supplement to that treaty? A No, sir.

Q Any of them ever get any money from the Government of the United States? A No, sir.

Q So far as you know, then none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of a very Indian who did in fact let his kin know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1833 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1842, and heard a great many of these Choctaw cases.

Sallie Baine, et al., 4.

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

An Act of Congress approved August 2<sup>d</sup>, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrips.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir.

Q So far as you know, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A Yes, sir I know of some.

Q What would know whether any of your people ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't. I was just speaking about a witness.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A Yes, sir.

Q How many? A One.

Q What's the name of that witness? A Wiley Pittman.

Q What do you expect to prove by him? A The identification of my grand mother.

Q

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi, to-day or tomorrow, or within a reasonable time thereafter at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are any further statements for you to make at this time?

A No, sir.

Q How many children have you of age or married? A I have one. Married on Christmas day.

Q What's the name of that boy? A William.

Q He's a son of your wife and Paul Baine? A Yes, sir.

Sallie Baines, et al., 5.

- Q Has he been before the Commission? A No, sir.  
Q Have you any brothers living? A Yes, sir.  
Q How many? A Three.  
Q What are their names? A Willis and John Scott.  
Q What are their sur names? A Townsend.  
Q Have any of them been before the Commission? A No, sir.  
Q Have you any sisters living? A Yes, sir.  
Q How many? A Two.  
Q What are their names? A Mollie and Elizabeth.  
Q Are they married? A Yes, sir.  
Q What are their married names? A Edwards and Love.  
Q Mollie Edwards and Elizabeth Love? A Yes, sir.  
Q Have they been before the Commission? A No, sir.  
Q Have you any brothers dead? A yes, sir.  
Q Did any of them leave children?? A No, sir.  
Q Have you any sisters dead? A Yes, sir.  
Q Any of them leave children? A No, sir.  
Q Are any of your mother's brothers or sisters living? A No, sir.  
Q Any of the children of any of your mother's brothers or sisters living? A No, sir.  
Q You don't speak or understand the Choctaw language? A No, sir.  
Q Did your mother? A yes, sir.  
Q Sure of that? A Yes, sir.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood in which the negro blood largely predominates. she does not speak or understand the Choctaw language.)

(Applicant excused.)

Riley Pittman, havin been first duly sworn, upon his oath testified as a witness in behalf of the above named applicant, as follows:

Examination by the Commission.

- Q What is your name? A Riley Willis.  
Q How old are you? A Fifty nine.  
Q What's your post of ice address? A Minerva, Mississippi.  
Q What county? A Montgomery C<sup>o</sup>nty.  
Q How long have you lived in Montgomery County, Mississippi?  
A All my life.  
Q What's your occupation? A Farming.  
Q Have you any Choctaw blood? A No, sir.  
Q Are you acquainted with the applicant, Sallie Baines? A Yes, sir.  
Q How long have you known Sallie? A Known her all my life.  
Q Are you any kin to her? A No, sir.  
Q Are you interested in any way in the result of her application?  
A Yes, sir.  
Q You are interested are you? A I didn't understand you.  
Q Are you interested in any way in the result of her application? A No, sir.

Sallie Baines, et al., 6.

By Commission:

What do you expect to prove by this witness?

By A.W.Jones:

I don't know - her mother and grand mother as a Mississippi Choctaw is all.

By Commission:

Does he know whether any of the ancestors of the applicant ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder?

By A.W.Jones:

No, sir.

By Commission:

Q Were you acquainted with Sallie Baines mother? A Yes, sir.

Q How long has she been dead? A Five years.

Q How old was she when she died? A I don't exactly know her age; I heard her say she was about sixty five years old; sixty or sixty five years old.

Q How long did you know her? A Been knowing her ever since I was a small little boy.

Q What was her name? A Louvinia; they called her Lou.

Q Do you know where she was born? A She was born in Mississippi.

Q Where? A Yes, sir.

Q Where? A In Montgomery County.

Q Lived there all her life? A Yes, sir; it was called in them days Choctaw County, but they have changed the Counties and made them smaller; she is in Montgomery County, the same place.

Q Were you acquainted with Sallie's father? A No, sir.

Q Do you know who he was? A No, sir, I don't know, anything of her father.

Q Do you know who her father was? A No, sir.

Q Did you ever hear who her father was? A No, sir, I never that I remember. I never knowed anything about her father.

Q Was Lou a slave? A No, sir.

Q Were you acquainted with Lou's father or mother? A Acquainted with her mother.

Q What was her name? A Named Mary Brown.

Q When did Mary die? A She died in Mississippi.

Q When? A I don't know how many years its been since she died. A good many years.

Q Before or after the surrender? A Before the surrender; I was small when she died.

Q About how old was she when she died? A I don't know, sir; she was very old.

Q At that time? A Yes, sir.

Q Do you know where she was born? A I heard her daughter Lou say she was born in Mississippi.

Q Where? A Yes, sir.

Q Where? A In Choctaw County. In Montgomery County now.

Q Did she live here all her life? A I suppose she did; I never was wise enough to know about that, but I suppose she lived here all her life. I heard her children say and grand children say she lived here all her days.



Sallie Baines, et al., 7.

Q Did that woman have any Indian blood? A Yes, sir, she was a whole Indian.

Q She was? A Yes, sir.

Q What kind of an Indian? A Said she was a Choctaw Indian; I heard her tell my mother she was a Choctaw Indian; I didn't know much about the Indians then.

Q Was Mary a slave? A No, sir.

Q Did you think from her appearance she was a full blood Indian? A Well, its been such a long time, I wasn't acquainted with the Indians, but she was a curious looking woman - old lady, and brought her baskets around.

Q Never heard of her having lived in Indian Territory, did you?

A No, sir.

Q You are sure, are you, that this applicant, Sallie Baines, is the daughter of Mary Browne? A Yes, sir.

Q This full blood Indian? A Yes, sir.

By A.W.Jones:

Pittman you say you live where? A In Montgomery County.

Q Used to be Choctaw? A Yes, sir.

Q And you are well acquainted with Sallie Baines? A Yes, sir.

Q And she is the descendant of Mary Brown? A Yes, sir.

Q And Mary Brown? A Is a full blood Indian.

Q Choctaw Indian? A yes, sir.

Q Did she talk the Choctaw language, or do you know anything about that? A No, sir, I don't know anything about that.

Q She is dead? A Yes, sir.

Q

(This applicant is a negro.)

R. S. Streit, having been first duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 14th day of February 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Sbscribed and sworn to before me at Philadelphia, Mississippi, this 10th day of March, 1902.

*R. S. Streit*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *J. M. ...*

Deputy,

G.A.L.  
C.W.

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

-----:-----

In the matter of the application of Sallie Bains, et al.,  
for identification as Mississippi Choctaws, M. C. R. 4770.

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

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Sallie Bains for herself and her nine minor children, Emma, Amos, Ella, Frank, Dollie, Maggie, Shed, Mattie and Tennie Bains, under the following provision 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 Solomon Grapevine, 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 Stat., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Solomon Grapevine, 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., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

Sallie Bains, Emma Bains, Amos Bains, Ella Bains, Frank Bains, Dellie Bains, Maggie Bains, Shed Bains, Mattie Bains, and Tommie Bains, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamie Doby.

Acting Chairman.

BY

T. I. Needles.

Commissioner.

J. S. Brockbridge.

Commissioner.

Muskogee, Indian Territory,

OCT 23 1902



J. J. — 2

You are further advised that the original of all sent in  
this case has been allowed ten days from the date hereof  
to file in which to file arguments in this office, and that at the  
expiration of said time the papers in the case, together with  
the exhibits, will be forwarded for review to the Secretary  
of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Comptroller in Charge.

COPY

L.C.C. 4779

Wahogee, Indian Territory, October 20, 1903.

Sallie Hains,

Michoud, Mississippi.

Dear Madam:-

You are hereby advised that on the 28th day of October, 1903, the Commission to the Five Civilized Tribes rendered its decision in the case of Sallie Hains, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress, June 22, 1898, (30 Stat., 195) which is as follows:

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

"Said decision concludes as follows:

"It is the opinion of this Commission that the evidence therein is insufficient to determine the identity of Sallie Hains, Frank Hains, Anos Hains, Ed Hains, Frank Hains, Ed Hains, Maggie Hains, Shed Hains, Ed Hains and Tom Hains as Choctaw Indians entitled to rights in the Choctaw lands under provisions of said article fourteen of the treaty concluded on September thirty, and that the application for their identification as such should be refused, and it is so ordered."



... --

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

Respectfully,

(S)

*C. D. Smith*

Commissioner in Charge.

Registered.

... 1740.

Wichita, Indian Territory, October 28, 1900.

My friend, Henry C. Smith,

117 West 12th Street, Chicago, W. Mich.,

South Dakota, Indian Territory.

Dear Sir:

You see I have advised you that on the 28th day of October, 1900, the Commission to the Five Civilized Tribes rendered a decision in the case of Smith v. King, et al., applicants for restoration of Mississippi Choctaws.

An application was made under the provisions of the act of Congress June 20, 1896, (29 Stat., 490) which is as follows:

"Such Commission shall have the authority of determining the identity of Choctaw Indians claiming rights in the Choctaw lands under article 26 of the treaty between the United States and the Choctaw Nation, to which said lands the seventh and eighth articles of the treaty, and to that end any and all laws, regulations, orders, and forms, and other acts necessary and proper, and such as may be deemed proper by the Commission."

The Commission consists of the following:

"That they have the honor to inform you that the Commission that was organized to determine the identity of Choctaw Indians claiming rights in the Choctaw lands, under article 26 of the treaty between the United States and the Choctaw Nation, to which said lands the seventh and eighth articles of the treaty apply, and to that end any and all laws, regulations, orders, and forms, and other acts necessary and proper, and such as may be deemed proper by the Commission."

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

Respectfully,

Commissioner in charge.

Muskogee, Indian Territory, November 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Sallie Bains, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 28, 1902.

The Commission has the honor to report that the principal applicant in this case, her agent 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 4779.

M.C.R. 4779.

Muskogee, Indian Territory, December 30, 1902.

Sallie Bains,  
Kilmichael, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 20th instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

You state you have been sick and therefore unable to furnish evidence within the fifteen days allowed you.

In reply to your letter you are informed that the fifteen days from October 28, 1902, heretofore granted you within which to file argument in support of your claim, to be forwarded to the Secretary of the Interior, expired on November 12, 1902.

On November 13, 1902, the record in your case was forwarded to the Secretary of the Interior and you will be duly notified of such action as may be taken by him.

Pending the action of the Secretary of the Interior the Commission cannot receive or consider further evidence.

Respectfully,

Acting Chairman.

C O P Y.

Land  
68328-1902.

Department of the Interior,  
Office of Indian Affairs,

Washington, Jan. 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for your consideration, application of Sallie Bains and her nine minor children, Emma, Amos, Ella, Frank, Dollie, Maggie, Shed, Mattie and Tommie Bains for identification as Mississippi Choctaw Indians, wherein a decision adverse to them was rendered by the Commission to the Five Civilized Tribes on October 28, 1902.

The testimony in this case shows that the applicants base their claims to identification on their descent from Solomon Grapevine, whom it is alleged was a member of the Choctaw tribe of Indians, in Mississippi in 1830, through his daughter Mary Brown. The Commission rejected the applicants because it did not appear from its records that the ancestors claimed under by the applicants, complied or attempted to comply with the provisions of the 14th article of the treaty of 1830.

An examination of the records of this office disclosed the fact that the names of Solomon Grapevine, Mary Grapevine or Mary Brown do not appear among the names of those Choctaw Indians who complied or attempted to comply with the provisions of the 14th Article of the Choctaw treaty of 1830, neither does it appear that they applied to the Commissions appointed under Acts of March 3, 1837 and August 23, 1842 for an adjudication of their rights, if they had any as Choctaw Indians.

-2-

These being the facts, it is evident that the decision of the Commission was correct, and I therefore recommend that the decision of the Commission rejecting the parties hereto be approved.

Very respectfully,

W.A. JONES

Commissioner.

C. T. C.

L.

D.C. 3959

C O P Y.

J.W.H.

DEPARTMENT OF THE INTERIOR.  
W A S H I N G T O N.

RAF.

ITD. 360-1902

February 5, 1903.

LRS.

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

Gentlemen:

November 13, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Sallie Bains and her minor children, Emma, Amos, Ella, Frank, Dollie, Maggie, Shed, Mattie and Tommie Bains.

The applicants endeavor to trace their descent from one Solomon Grapevine, alledged to have been a full blood Choctaw Indian residing in Mississippi in 1850.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Solomon Grapevine or a less remote ancestor of the applicants complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513). You refused the application October, 28, 1902.

The Commissioner of Indian Affairs forwarded the papers January 13, 1903, and recommended that your decision be approved. A copy of his letter is inclosed.

Having carefully reviewed the entire record in this case the Department affirms your decision.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.



M.C.R. 4779

COPY

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 5th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sallie Bains, et al., of which decision you were advised by mail on the 28th day of October, 1902.

Respectfully,

*James D. ...*  
Chairman

M.C.R. 4779

COPY

Muskogee, Indian Territory, February 21, 1903.

Sallie Bains,  
Kilmichael, Mississippi.

Dear Madam:-

You are hereby notified that on the 5th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi. The facts of the several actions included in the case of Sallie Bains, et al., of which decision you were advised by registered mail on the 10th day of October, 1902.

Respectfully,

Chairman

Muskogee, Indian Territory, February 21, 1903.

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby notified that on the 5th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sallie Bains, et al., of which decision you were advised by registered mail on the 24th day of October, 1902.

Respectfully,

*Tamm*  
Chairman

#1700

No. 2212

For Identification as a Mississippi Choctaw.  
Meridian Miss.

Date FEB 11 1902

Name Sallie Bains

Age 40 Blood 1/4

Post Office Kilmichael, Miss.

Father: dont know

Mother: Lou Townsend 1/2 &

Claims through mother.

Husband: Paul Bains  
No claim for husband.

Children:

Emma	Bains	18
Amos	"	17
Ella	"	15
Frank	"	12
Dollie	"	11
Maggie	"	8
Shed	"	(M) 5
Mattie	"	3
Tommie	"	5 mo

mother: mother who is ...  
Father of Mary is on ...

16. 4  
3. 00

Stenographer R. A. Street

Choctaw MCR 4780

Calvin Montgomery

See MCR 4819

MCR 4780

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

---0---

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

Calvin Montgomery, et al    M.C.R. 4780  
John Montgomery                "    4819

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

	(Page)
Original application of Calvin Montgomery, et al before the Dawes Commission for identification as Mississippi Choctaws .....	1
Certified copy of marriage license of Calvin Montgomery and Emma Grizzle .....	8
Affidavit of Charlie Valentine, et al. , .....	11
Original application of John Montgomery before the Dawes Commission for identification as a Mississippi Choctaw .....	12
Certified copy of marriage license of John Montgomery and Alice Montgomery .....	16
Purported affidavit of Charlie Valentine, et al .....	18
Decision of the Commission denying the application of Calvin Montgomery, et al., for identification as Mississippi Choctaws .....	19

-----0-----

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 14, 1902.

In the matter of the application of Calvin Montgomery  
for the identification of himself and one minor child, Ada, as  
Mississippi Choctaws.

Appearances:

S. A. Beadle, Attorney for Applicant.  
A. W. Jones, Agent for Applicant.

Calvin Montgomery, having been first duly sworn, upon his  
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Calvin Montgomery.  
Q How old are you? A Fifty years old.  
Q How much Choctaw blood have you? A Well, my mother claimed to be  
half; that's what she told me.  
Q Then you claim to be a quarter, do you? A I don't know whether  
its exactly a quarter or not, but it is in the neighborhood.  
Q What's your post office address? A Starkville, Mississippi.  
Q What County? A Oktibbeha.  
Q How long have you lived in that County? A All my life.  
Q Were you a slave? A Yes, sir.  
Q Is your father living? A No, sir.  
Q What was his name? A His name was Charley Montgomery.  
Q Is your mother living? A No, sir.  
Q What was her name? A Her name was Penny.  
Q Your father had no Choctaw blood, and your mother was one-half?  
A Yes, sir.  
Q How long has your mother been dead? A To tell you the truth, I  
don't know; I couldn't tell you, it's been so long.  
Q How old were you when she died? A I don't know, sir.  
Q About how old? A I expect I might have been eighteen or twenty.  
Q About how old was she when she died? A I don't know; I  
expect she was somewhere along about sixty.  
Q Where was she born? A I think she was born in Mississippi; I  
think she was; I am not certain.  
Q Was she a slave too? A Yes, sir.  
Q Did she live in this State all her life? A Yes, sir.  
Q Did she speak the Choctaw language? A No, sir, she didn't  
exactly talk plain.  
Q Now, if you don't know, say you don't know? A No, I don't know,  
because I don't know the Choctaw language myself.  
Q Through which one of her parents did she get her Choctaw blood?  
A Her father.  
Q What was his name? A I don't know; look like she told me his name  
was Chippy or Tippy, I don't recollect which, but it was one of the  
names.  
Q When did she tell you that name? A When I was small.

Calvin Montgomery, et al., 2.

That the only name he ever had? A That's the only name ever was given me - was her father.

Q Do you know what her mother's name was? A Yes, sir.

Q What was it? A Her mother was named Annie.

Q Was she a slave too? A Yes, sir.

Q Did you ever see her? A No, sir.

Q Was she married to this Indian, your mother's father? A No, sir, not that I knows of.

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

Q Did Annie ever have any other children by this Indian besides your mother? A I don't know whether my mother ever told me such a thing as that.

Q Where did this Indian live? A I don't know, sir.

Q Don't know anything about him? A No, sir, don't know more than what she said.

Q What did she say about it? A She said an Indian was her father, and that his name, if I make no mistake, was either Chippy or Tippy.

Q Are you married? A Yes, sir.

Q Is your wife living? A Yes, sir, I have been married twice, last one is living.

Q What's her name? A Emma.

Q Have you any children by the last one? A Yes, sir, three, one of them's dead.

Q Emma has no Choctaw blood? A Not that I knows of.

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

Q How many children have you living under twenty one years of age and unmarried? A One.

Q What's the name of that child? A Ada.

Q How old is it? A About eighteen I think.

Q Is she living with you at this time? A Yes, sir.

Q Not married? A No, sir.

Q Is she the child of yourself and Emma Montgomery? A Yes, sir.

Q This application is for yourself and one minor child? A Yes, sir

Q Were you married to Emma under a license? A Yes, sir.

Q Where? A At Starkville.

Q When? A Its been about twenty six years ago.

Q Who married you? A Preacher Nick Anderson.

Q Have you your marriage license and certificate with you at this time? A No, sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Emma, for use in connection with the application which you make in behalf of your minor child, Ada. This evidence should be furnished within thirty days from this date, if possible.

Q Did you have any children by your first wife? A Yes, sir.

Q Are any of them living? A Two.

Q What was your first wife's name? A Nancy.

Q Did she have any Choctaw blood? A No, sir.

Q Were you married to her under a license? A Yes, sir.

Q When? A I don't recollect now how long that it was, but that was before me and Emma married; been a good while; she was my first wife.

Q Did your first wife die before you married the second time?

A Yes, sir.



Calvin Montgomery, et al., 3.

In case any application should be made by your children by your first wife, it will be necessary in connection with their applications that proper evidence of your marriage to your first wife be furnished to the Commission.

Q Is your name, or the name of this minor child, Ada, on any of the Choctaw tribal rolls in Indian Territory? A No, sir.

Q Was any application of any description ever been made before today for yourself or this child for the purpose of establishing your rights as Choctaw Indians? A No, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and one minor child, under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand that 14th article? A I don't know that I does.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the Country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi at that time, seventy one years ago, might receive land here in Mississippi from the Government. It is as follows:

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

Calvin Montgomery, et al., 4.

Now, within a few years after this treaty was made, the greater portion of the Choctaw tribe of Indians were moved from this country, but as I have stated to you, some of them wanted to stay here. Now, if an Indian who lived here at the time the treaty was made, preferred to stay here in Mississippi and not move out west to the new nation, he was entitled to get some land here in Mississippi upon certain conditions. First, he was required by that 14th article to let the agent of the Government here in Mississippi for the Choctaws know within six months from February 24, 1831, the day the treaty was ratified, that he wanted to stay here in Mississippi and become citizen of the States and take land here. The Government had an agent here in 1831, so these Choctaws could let him know they wanted to stay here. Now, after he had let the agent know he wanted to stay here, he was entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; this reservation was required by the 14th article to include the improvement that this Choctaw had here in Mississippi at the time the treaty was made, seventy one years ago; he was also entitled to a reservation of one-half section or three hundred and twenty acres for each child in his family over ten years of age on the 27th day of September, 1830, the day the treaty was made; and for each child under ten years of age on that day, he was entitled to a quarter section. These reservations for the children were required to adjoin the location of the parent. Now, if the Indians lived on this land for five years from February 24, 1831, the day the treaty was ratified, in that case he was entitled to a grant in fee simple for the land; that is, the Government would give him the land, and he could do with it as he pleased. That 14th article said further that persons who claimed under the 14th article, that is, those Indians who stayed here under the 14th article, and claimed land in Mississippi, should not, by reason of their having done so, lose the privilege of a Choctaw citizen, but if they ever moved out to the Territory, - out to the new Choctaw Nation, west of the Mississippi River, they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid to the Indians each year by the Government under treaty provisions.

Q Now, I have explained to you fully the 14th article of the treaty of Dancing Rabbit Creek. Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A Not as I know of.

Q Did any of them own any improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir, not as I know of.

Q Did any of them live here at that time, seventy one years ago - any of your Choctaw ancestors? A I couldn't answer that question, because I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A I don't know, sir.

Calvin Montgomery, et al., 5.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, as I know of.

Q Did any of them ever get any land here in Mississippi from the Government of the United States under any other provision in that treaty? A No, sir.

Q Did any of them ever get any money from the Government? A No, sir, not as I know of.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land under that 14th article. The records of the Government show that that agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they were entitled to land under the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases. They held sessions right here in this western part of the State of Mississippi - central part of the State.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, not as I know of.

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

Calvin Montgomery, et al., 6.

- Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I might know some about seventy; I might know some that knowed my parents all right; might be that age.
- Q A person to know about that would have to be, perhaps, at least eighty five or ninety years old; do you think you know anyone who would know about that? A I might know some.
- Q Who do you know? A Old man Charley Valentine and Charley Outlaw.
- Q Where do they live? A Charley Outlaw is living in Oktibbeha County. Charley Valentine is at the poor house in Starkville.
- Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder?
- A No, sir.
- Q Have you any written evidence of any kind to offer at this time?
- A No, sir.
- Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, to-day or tomorrow or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time?
- A No, sir, I believe not.
- Q How many children have you living who are of age, or married?
- A I have got three children married, one is not married.
- Q That's of age? A No, sir, Ada was was eighteen; I call her a minor; she is living with me.
- Q How many children have you altogether? A Five, with one dead, one.
- Q What are the names of those children who are married? A Mary.
- Q What's her married name? A Preston Wilks.
- Q Next one? A Hattie Thompson.
- Q Next one? A Johnnie Montgomery, he left here this evening.
- Q Have either of your daughters been down here before the Commission? A No, sir, none been here connected with the family, but Preston.
- Q Have you any brothers living? A No, sir, my brothers went off and I don't know what become of him, whether he is dead or not.
- Q What was his name? A George.
- Q How long since you have seen him? A Twenty six or seven years.
- Q Have you any sisters living? A No, sir.
- Q Did you ever have any sisters? A Yes, sir.
- Q Any of them leave children? A No, sir, I believe not. She did leave child but it died after she died.
- Q Have you any brothers dead? A Yes, sir, I am satisfied my oldest brother was dead - elder one than me.
- Q Did you ever have any other brothers besides him? A No, sir.

Calvin Montgomery, et al., 7.

- Q Are any of your mother's brothers or sisters living? A No, sir.  
Q Did she ever have any? A I think she did.  
Q Never did have a full brother or sister, did she? A I don't know about that.  
Q Any further statements you want to make at this time in support of your application? A No, sir, I don't know as there is.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro largely predominates. He shows very slight if any indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above entitled cause on the 14th day of February, 1902, at Meridian, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Seale, Mississippi, this 12th day of March, 1902.

*W. H. Montgomery*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By

*Malin*

Deputy.

J. G. W.  
C. W. W.

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

---o---

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

Calvin Montgomery, et al    M.C.R. 4780  
John Montgomery                "    4819

--: 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 Calvin Montgomery for himself and his minor child, Ada Montgomery, and by John Montgomery for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

(2)

of one "Chippy", or "Tippy", who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw Tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

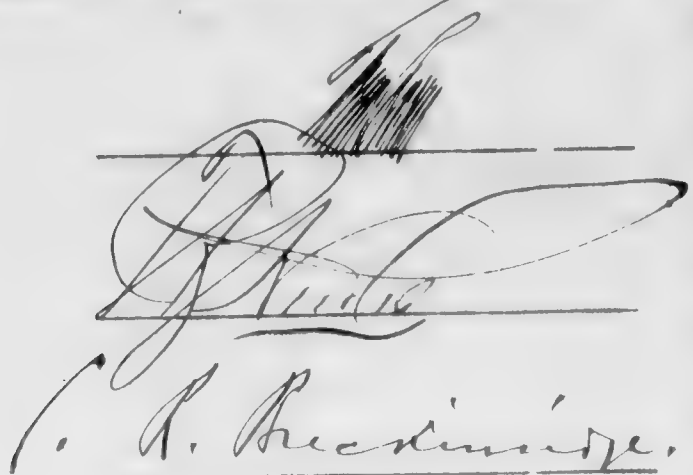
It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said "Chippy", or "Tippy", 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 Calvin

(3)

Montgomery, Ada Montgomery and John Montgomery, 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 large, stylized handwritten signature in dark ink, appearing to read 'C. A. Beckwith', is written over two horizontal lines. The signature is highly cursive and loops around the lines.

Commissioners.

Muskogee, Indian Territory,

JUN 11 1880



Land  
36111--1902.

Copy  
(COPY)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, July 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is enclosed herewith a report dated June 14, 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 Calvin Montgomery, et al., for identification as Mississippi Choctaws entitled to rights in the Choctaw lands under and in accordance with the provisions of Article 14 of the treaty of 1830.

Calvin Montgomery applies for the identification of himself and his minor child Adam; and John Montgomery applies for the identification of himself. June 10, 1902, the Commission found that these parties were not entitled to identification. The record in this case shows that the principal applicant attempts to trace descent from "Chippy" or "Tippy" or Chiffie", grandfather of principal applicant. The record also shows that Pinmin Outlaw was the mother of said principal applicant, and it is alleged that she was known and recognized as a half-breed Choctaw Indian.

A careful search of the records of this office relating to the Choctaw Indians who complied or attempted to comply with the pro-

visions of the 14th article of the treaty of 1830, has been made and no record has been found showing that any of the above named alleged ancestors complied or attempted to comply with the provisions of said treaty or that they or either of them had their rights, if any they had, adjudicated by the Commissions appointed under the provisions of the Acts of March 3, 1837 and August 23, 1842. It is therefore respectfully recommended that the decision of the Commission refusing to identify the applicants as Mississippi Choctaws be approved.

Very respectfully,  
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G.A.W. (E)

(COPY)

D.C.No. 12729-1902.

45738

J.W.H.  
CMR

DEPARTMENT OF THE INTERIOR.  
I.T.D. 4549-1902. WASHINGTON. August 1, 1902.

L.R.S.

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

Gentlemen:

Under date of July 14, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws, of Calvin Montgomery for himself and his minor child, Ada Montgomery; and of John Montgomery for himself; together with your decision dated June 10, 1902, denying the applications.

These applicants attempt to trace their descent through Penny Montgomery, to her father, an alleged full blood Choctaw Indian.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation, or that the alleged ancestors, above named, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the Acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs forwarded your decision on July 25, 1902, recommending that the same be approved.

The Department, upon careful review of the whole case approves your action, and your decision is affirmed.

-2-

Copy of the letter of the Acting Commissioner is inclosed.

Respectfully,

Thos Ryan,  
Acting Secretary.  
EMD

1 inclosure.

---

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Calvin Montgomery et al.*

*14610 N. 47th O*

COPY. M C R 4780

Muskogee, Indian Territory, June 14, 1902.

A. W. Jones, Agent,  
Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 14th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Calvin Montgomery, et al., embracing the following applications for identification as Mississippi Choctaws:

Calvin Montgomery, et al., M.C.R. 4780  
John Montgomery, M.C.P. 4819

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 Calvin Montgomery, Ada Montgomery and John Montgomery, 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."

A.W.J.-----2.

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

Yours truly,

(SIGNED) *F. D. Woodlee.*

Commissioner in Charge.

Registered.

COPY.

M.C.R. 4780

Muskogee, Indian Territory, June 14, 1902.

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

Gentlemen:-

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Calvin Montgomery, et al., embracing the following application for identification as Mississippi Choctaws:

Calvin Montgomery, et al.,	M.C.R. 4780
John Montgomery,	M.C.R. 4819

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 concluded as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Calvin Montgomery, Ada Montgomery and John Montgomery, 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."



M.M.&C.-----

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

S. D. Woodson

Commissioner in Charge.

COPY.

M.C.R. 4780

Muskogee, Indian Territory June 14, 1901.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the consolidated case of Calvin Montgomery, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of June 10th, 1901.

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

Calvin Montgomery, et al.,	M.C.R. 4776
John Montgomery,	M.C.R. 4779

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

Respectfully,

J. B. MONTGOMERY

Through the  
Commissioner of Indian Affairs.  
1 enclosure.

Acting Chairman.

Muskogee, Indian Territory, June 14, 1902.

F. A. Beadle,  
Attorney at Law,  
Jackson, Mississippi.

Dear Sir:-

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Calvin Montgomery, et al., embracing the following applications for identification as Mississippi Choctaws:

Calvin Montgomery, et al., M.C.R. 4780  
John Montgomery, M.C.R. 4819

These applications were made under the provision of the act of Congress of June 27, 1897, (30 Stat., 407) which is as follows:

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Calvin Montgomery, Ada Montgomery and John Montgomery, 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."

S.A.B.-----2.

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

Yours truly,

(SIGNED)

*T. D. Woodlee.*

Registered.

Commissioner in Charge.

COPY.

W. C. D. 4780

Washington, Indian Territory, June 14, 1902.

Calvin Montgomery,  
Cherokee, Indian Territory.

Dear Sir:-

You were duly advised that on the 10th day of June, 1902, the Commission of the Five Civilized Tribes rendered a decision in the consolidated case of Calvin Montgomery, et al., against the Cherokee, Chickasaw, Creek, Seminole and Choctaw Indians for identification as individuals Choctaws:

Calvin Montgomery, et al.,       W. C. D. 4780  
John Montgomery,               W. C. D. 4819

These applications were made under the provision of the act of Congress of June 27, 1900, (32 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the validity of the Choctaw Indian claim in the matter of the Choctaw article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that and any other articles, existing with or independent of the said treaty, and to report to the Secretary of the Interior."

Said decision should be as follows:

"It is the opinion of this Commission that the evidence herein is insufficient to determine the identity of Calvin Montgomery, Ann Montgomery and John Montgomery, Choctaw Indians entitled to rights in the Choctaw land 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."

C.M.-----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,

*T. D. Woodlee*

Commissioner in Charge.

Registered.

COPY.

M.S.R. 4780

Muskogee, Indian Territory, August 13, 1902.

Mr. J. M. Murray & Lewis,

Attorneys at Law, Muskogee, Indian Territory,

Okmulgee, Indian Territory.

Sir:

Reference is made to the letter of the 11th day of August, 1902, the enclosed being a copy of the letter of the 11th day of August, 1902, in which you are advised that the application of the Muskogee Indians for the purchase of the land in the Muskogee Indian Territory, as provided by the Act of Congress, approved March 3, 1890.

Very truly yours,

J. M.

W. M.

W. M. Murray & Lewis.

Muskogee, Indian Territory, August 15, 1902.

J

S. A. Coddie, Esq.,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

For your receipt of a copy of the law of August 1, 1902, the Board of the Interior advised the decision of this Board in relation to the application for identification of the skeletal remains of the deceased, whose name is given in the case of *Smith v. Secretary of War*, a case decided by the Board of the Interior on August 1, 1902.

Very truly,  
Sincerely,  
Your obedient servant,  
[Signature]

Respectfully,  
[Signature]



Muskogee, Indian Territory, August 15, 1902.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of August, 1902, the Secretary of the Interior advised the decision of said Commission with the conditions for identification as Mississippi Choctaws of the persons named in the accompanying copy of Public Order No. 143, of the 1st day of August, 1902, by reference to the 143rd page of the same.

Very truly,

John W. Brown.

6047.  
M.C.R. 4780

Muskogee, Indian Territory, August 13, 1902.

Calvin Montgomery,  
Starville, Mississippi.

Dear Sir:

You were hereby advised that on the 1st day of August, 1902, the Secretary of the Interior affirmed the decision of said Commission refusing the applications for identification as Mississippi Choctaws of the several papers included in the associated case of Olyric Matthews, et al., of which decision was previously advised by registered letter of the 14th day of June, 1902.

Very truly,  
Yours,  
A. J. [unclear]

A. J. [unclear]

Curriculum

Curriculum

Chippy or Jippy  
wife  
Umm  
slave

Benny Montgomery  
mar  
Charley Montgomery

Calvin Montgomery  
wife  
1st Nancy Montgomery  
2nd Emma Montgomery

Mary Montgomery  
mar  
Preston Nicks

Nattie Montgomery  
mar  
Thompson

John Montgomery  
wife  
Ullie Montgomery

Uda Montgomery

For Identification as a Mississippi Choctaw.

Meridian, Miss

Feb 1891

Date

Name Calvin Montgomery

Age 50 Blood 1/4

Post Office, Starkville, Miss.

Father: Charley Montgomery &

Mother: Penny " &

Claims through mother  
wife Emma Montgomery &  
no claim for wife

14

Children:

Ada Montgomery 18

Stenographer

R. S. Street

Choctaw MCR 4781

Lillie Lott

MCR 4781

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

-----

In the matter of the application of Lillie Lott,  
et al., for identification as  
Mississippi Choctaws.  
M.C.R. 4781.

List of papers  
forwarded to the Secretary of the Interior, and the record in the  
said matter, together with the page number of each  
in said record.

	page
Original application of Lillie Lott, et al., to the Dawes Commission for identi- fication as Mississippi Choctaws,	1
Decision,	7

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 14, 1902.

In the matter of the application of Lillie Lott, for the identification of herself and four minor children, Annie Lee, Robert Lee, Derinda and Tommie Ann, as Mississippi Choctaws.

Appearances:

S. A. Beadle, Attorney for applicant.  
A. W. Jones, Agent for applicant.

Lillie Lott, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Lillie Lott.  
Q How old are you? A Will be twenty one the eighth of this coming month.  
Q How much Choctaw blood have you? A My mother's father was a whole Indian.  
Q You claim to be a quarter then do you? A Yes, sir.  
Q What's your post office address? A Kilmichael, Mississippi.  
Q What county? A Montgomery.  
Q How long have you lived in Montgomery County? A Been living there all my life.  
Q Is your father living? A Yes, sir.  
Q What's his name? A George Alleb.  
Q Is your mother living? A Yes, sir.  
Q What's her name? A Sallie Allen.  
Q Through which one of your parents do you get your Choctaw blood?  
A My mother.  
Q How much Choctaw blood do you claim your mother has? A Well, her father was a whole Indian.  
Q Don't you know how much that would make her? A Half, I reckon.  
Q Your mother's mother had no Indian blood? A No, sir.  
Q Was your mother a slave? A Sir?  
Q Was your mother a slave? A No, sir.  
Q Was her father a slave? A No, sir.  
Q Her mother? A Yes, sir.  
Q How old is your mother? A She is about sixty four years old.  
Q Has she been before this Commission? A No, sir.  
Q How long has she lived in Montgomery County, Mississippi? A She was born in Montgomery County.  
Q Has she lived there all her life? A Yes, sir.  
Q Can she speak the Choctaw language? A No, sir, not that I knows of.  
Q What was her father's name? A Boney Deans.  
Q Did you ever see him? A No, sir, I never did see him.  
Q How long has he been dead? A He's been dead about twenty six or seven years, I reckon.  
Q You are sure he was a full blood Choctaw? A Yes, sir, full blood Choctaw.



Lillie Lott, et al., 2.

- Q How do you know he was? A He was in the Choctaw line.
- Q Choctaw what? A In the Choctaw land; he come from Mississippi.
- Q The Choctaw land? A Yes, sir.
- Q What do you mean by that? A My mother said he was a Choctaw; that's what he always taught her, and she told me.
- Q Did he ever have any other name besides Boney Dean? A No, sir, not that I knows of.
- Q Where did he live? A Where did he live?
- Q Yes? A He stayed in Holly Springs.
- Q How long did he stay here? A All his days, I reckon.
- Q Was he born there? A I don't know, sir, whether he was or not.
- Q Do you know the name of either one of his parents? A No, sir.
- Q What's your husband's name? A Robert Lott.
- Q Has he any Choctaw blood? A No, sir.
- Q You make no claim for him then? A No, sir.
- Q How many children have you living? A Me?
- Q Yes? A Four.
- Q What are their names and ages? A I couldn't tell exactly the ages.
- Q As near as you can tell them. What's the oldest one? A Annie Lee, four years old.
- Q Next? A Robert Lee, three years old.
- Q The next is what? A Dorinda. She's two years old.
- Q Next one is what? A Tommie Ann.
- Q That's a girl is it? A Yes, sir.
- Q About a year old? A Yes, sir.
- Q Are these children all living with you at this time? A Yes, sir.
- Q Are they all the children of yourself and Robert Lott? A Yes, sir.
- Q Is he the father of all of them? A Yes, sir.
- Q This application, then, is for yourself and four minor children A Yes, sir.
- Q Is your name, or the name of any one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory? A I didn't understand you.
- Q Is your name, or the name of any one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir.
- Q Has any application of any description ever been made for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and these minor children under the 14th article of the treaty of Dancing Rabbit Creek? A What did you say?
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A What did you say?
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A I don't know, sir.

Lillie Bott, et al., 3.

- Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty of Dancing Rabbit Creek, was ratified? A No, sir.
- Q Did any of your ancestors, - your Choctaw ancestors, ever live here in Mississippi and Alabama, at the time this treaty was made, seventy one years ago? A Yes, sir.
- Q What one of your Choctaw ancestors lived here at that time? A My grand father.
- Q What was his name? A Boney Dean.
- Q Where did he live seventy one years ago? A Seventy one years ago? I don't know, sir.
- Q Did any of your ancestors remove from this country to the new country west of the Mississippi River at the time the greater portion of the Choctaw tribe of Indians moved out there between the years 1833 and 1838? A I don't know, sir.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government, here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know, sir.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.
- Q Did any of them ever get any money from the Government? A No, sir, not that I know of.
- Q Did you ever hear of any of them ever having gotten any land from the Government? A No, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these commissioners

Lillie Lott, et al., 4.

and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know, sir.

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

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

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know of any.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Any witnesses here to-day? A I have one.

Q What's his name? A Riley Pittman.

Q What do you expect to prove by him? A My grand father was a whole Choctaw Injun.

Q Is that all? A Yes, I reckon that 's all he knows of - about my mother and me.

Q Any further statements you want to make at this time? A No, sir.

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission here at Meridian, Mississippi, to-day or tomorrow, or within a reasonable time thereafter at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes, sir.

Q How many? A Six living.

Q What are their names? A One named Anthur Allen.

Q Next one? A Jimmie

Q Next one? A Tommie

Q Next one? A Reuben and Grant and Bud.

Q Have any of them been before the Commission? A No, sir.

Q Have you any sisters living? A Yes, sir.

Q How many? A I have got six sisters living.

Q What are their names? A Frances.

Q Next one? A Mary.

Q Next one? A Winnie.

Q Next one? A Louvie.

Q Next one? A Florida.

Lillie Lott, et al., 5.

- Q Next one? A That's all.  
Q Are they married? A Some of them are.  
Q Which ones? A Frances.  
Q What's her married name? A Love.  
Q Next one? A Mary Daniels, the wife of Willis Daniels.  
Q What's the name of another sister who is married? A Winnie.  
Q Winnie what? A Peoples, the wife of Bob Peoples.  
Q What's the name of another sister married? A I have no other sister married.  
Q Have you any brothers or sisters dead? A Have one brother and one sister.  
Q Did either of them leave children? A No, sir.  
Q Are any of your mother's brothers or sisters living? A No, sir.  
Q Are any of the children of any of your mother's brothers or sisters living? A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates. Her hair is somewhat inclined to be straight. She has the features and facial expressions of a negro.)

(Applicant excused.)

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

Examination by the Commission.

- Q What is your name? A Riley Pittman.  
Q How old are you? A Fifty nine.  
Q What's your post office address? A Winona, Mississippi.  
Q How long have you lived up there? A Born there.  
Q Lived there all your life? A Yes, sir.  
Q What's your occupation? A Farming.  
Q Are you acquainted with the applicant, Lillie Lott? A I is with her father.  
Q Are you acquainted with her? A Yes, sir.  
Q How long have you known her? A All her life.  
Q Were you acquainted with her mother? A Yes, sir.  
Q What was her name? A Sallie.  
Q How long has Sallie been dead? A I don't know, sir, aint been knowing her mother as long as I have been knowing her. I been knowing t this little girl, Lillie, all her days.  
Q How old was Sallie when you met her? A She looked like she was about forty.  
Q Where did she live then? A She lived in Mississippi. In Montgomery County.  
Q Where did she live before you met her? A I don't know, sir.  
Q Did you know her father? A Yes, sir. I been knowing her father all my days.  
Q Sallie's father you mean? A No, sir, Lillie's father; I didn't

Lillie Jott, et al., 6.

know her mother's father at all.

Q Don't know who he was? A No, sir .

By Commission:

What do you expect to prove by this witness?

By S.A.Beadle:

We expect to prove that he knew Lillie's mother and father, and knew that Lillie is possessed of Choctaw blood through them:

By Commission:

Does the witness know whether any of the ancestors of the applicant ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek?

By S.A.Beadle:

No, sir.

By Commission:

Q What's the name of Lillie's father? A George.

Q He has no Choctaw blood, has he? A Not as I knows of. I suppose - he says so - I don't know; I never questioned him that much to know.

Q His daughter, Lillie, who made application this morning, never has heard of it, if he has? A It was ~~his~~ mother.

Q How much Choctaw blood did her mother, Sallie, have? A I never did hear her say how much she had; I just heard her going by the name of Indian Sallie.

Q Do you know how much she had? A She looked like she might have been a half.

Q Was she a slave? A No, sir.

Q You don't know where she was born? A No, sir, I don't know where she was born. When I knew her, why, she lived in Montgomery County.

Q You met her about twenty years ago? A About twenty seven years ago.

Q She lived in Montgomery County from the time you met her until her death? A Yes, sir.

Q Do you know what kind of Indian blood she had? A She said Choctaw Indian blood. They always called her Indian Sallie.

Q This girl here is her daughter? A Yes, sir.

(This witness is a negro of average intelligence.)

R.S.Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported all proceedings had in the above cause on the 14th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes in said cause upon said date.

Subscribed and sworn to before me at Beale, Mississippi, this 12th day of March, 1902.

*R. S. Streit*  
*L. B. Mowley*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *Mina*

Deputy.

*E. E.  
C. O. W.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION to the FIVE CIVILIZED TRIBES.

---

In the matter of the application of Lillie Lott, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4781.

---

DECISION.

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Lillie Lott, for herself and her four minor children: Annie Lee, Robert Lee, Dorinda and Tommie Ann Lott, under the following provision of the Act of Congress, approved June 28, 1898, (30 Stats., 485):

Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and 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 Boney Deans, who is alleged to have been a full-blood Choctaw Indian.


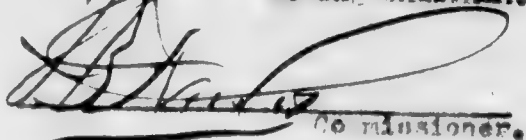
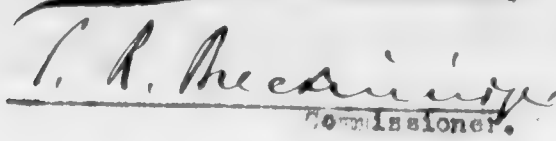
It further appears from the evidence submitted in support of said application and from the records in possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by duly constituted 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., 341).

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 are claimants thereunder, that the said Boney Deans signified (in person or by proxy) to Colonel W. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said Article Fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such

claims by the acts of Congress approved March 3, 1847, (5 Stat., 160), 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 Billie Lott, Annie Lee Lott, Robert Lee Lott, Dorinda Lott and Terrrie Ann Lott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the 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 9 1902



M.C.R. 4781.

Muskogee, Indian Territory, August 9, 1902.

The Honorable,  
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Lillie Lott, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 9, 1902.

The Commission has the honor to report that the principal applicant herein, her attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

*James H. Smith*  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.  
1 inclosure.

CPA

Muskogee, Indian Territory, August 9, 1902.

Wansfield, Murray & Cornish,

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

Gentlemen:

Reference is made to Act of Congress of June 24, 1898, 30 Stat. 495, and to the Commission to the Five Civilized Tribes reauthorized and decided in the case of Willie Lott, et al., applicants for identification as Chickasaw Choctaw.

These applications were made under the provision of the act of Congress of June 24, 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 administer oaths, examine witnesses and perform all other acts necessary hereto, and make report to the Secretary of the Interior."

The evidence in this case is as follows:

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

You are further advised that the Commission has in this

M. Mc. & C. #2.

date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

*J. C.*  
Acting Chairman.

M.C.N. 4781.

By

Muskogee, Indian Territory, August 9, 1902.

A. T. Jones, Agent,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 9th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Millie Lott, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provision of the act of Congress of June 28, 1897 (30 Stats., 415) which is as follows:

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Millie Lott, Annie Lee Lott, Robert Lee Lott, Corinda Lott and Tommie Ann Lott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

A. W. J. #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.

Your truly,

*id*

Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, August 9, 1902.

S. T. Hooper,  
Attorney at Law,  
Muskogee, Mississippi.

Dear Sir:

I have the honor to acknowledge the receipt of a copy of a report of the Commission on the Five Civilized Tribes rendered in decision in the case of Lillie Lott, et al., applicants for identification as Mississippi Choctaws.

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

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and 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 Lillie Lott, Annie Lee Lott, Robert Lee Lott, Berinda Lott and Tommie Ann Lott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

S. A. B. #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 disposition of the same.

Yours truly,

*J. C. ...*  
Acting Chairman.

Registered.

P.

Muskogee, Indian Territory, August 9, 1902.

Willie Tott,  
Michael, Mississippi.

Dear Sir:

You are hereby advised that on the 9th day of August 1902, the United States Commission rendered a decision in the case of Willie Tott, et al., applicants for identification as Choctaw Indians.

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495) which is as follows:

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Willie Tott, Annie Lee Tott, Robert Lee Tott, Marina Tott and Annie Ann Tott as Choctaw Indians entitled to rights in the Choctaw lands under the provision of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the In-



L. L. No. 2.

terior for review, and you will be informed in due time of what action may be taken by him.

Your truly,

*James Dixie*  
Acting Chairman.

Registered.

Land.  
48,291-1902.

Cop .  
DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS.

WASHINGTON. October 7, 1902.

The Honorable,  
The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the Mississippi Choctaw case of Lillie Lott, in which she makes application for the identification of herself and four minor children, Annie Lee, Robert Eee, Dorinda and Tommie Ann, as Mississippi Choctaws, and in support of said claim submits the testimony of herself and that of Riley Pittman from which it appears that she claims her Choctaw blood through her grandfather, Bony (or Boney) Dean (or Deans).

The witnesses in the case do not know of any compliance with the provisions of article 14 of the treaty of 1830 on the part of the said Dean or Deans nor do they know of any patent ever having been issued for lands under the provisions of said article and an examination of the office records fails to show that any patent for land was ever issued to any one by the name of Dean or Deans under said 14th article of the treaty of 1830 nor is there any office record showing that any person by that name ever complied or attempted to comply with the provisions of said treaty.

The record evidence shows that none of the applicants are

-2-

Choctaw Indians of the full blood.

The office therefore considers that the decision of the commission refusing to identify the applicants as Mississippi Choctaw Indians on the ground of the insufficiency of the evidence is correct and recommends that the same be approved and affirmed by the Department.

Very respectfully,

Your obedient servant,

A.C. Tonner,

Acting Commissioner.

(W. C.B.)  
P.

D.C. 19531-1902

Copy.

EAF.

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

ITD.6270-1902.

October 17, 1902.

L.R.S.

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

Gentlemen:

August 9, 1902, you transmitted the record in the matter of the application for identification of Lillie Lott and her minor children, Annie Lee, Robert Lee, Dorinda and Tammie Ann Lott.

The applicants endeavor to trace their descent from one Boney Deans, alleged to have been a full blood Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Boney Deans 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 9, 1902.

The Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter of October 7 is inclosed.

-2-

Having thoroughly considered the case, the Department affirms the decision rendered.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

1 inclosure.

RMD.

K.O.R. 4781

Muskogee, Indian Territory, October 29, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lillie Lott, et al.; of which decision you were advised by letter on the 9th day of August, 1902.

Respectfully,

Acting Chairman.

M.C.R. 4781

Muskogee, Indian Territory, October 29, 1902.

A. V. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 17th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lillie Lott, et al.; of which decision you were advised by registered mail on the 9th day of August, 1902.

Respectfully,

Acting Chairman.

M.C.R. 4781

Muskogee, Indian Territory, October 29, 1902.

S. A. Readle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lillie Lett, et al.; of which decision you were advised by registered mail on the 9th day of August, 1902.

Respectfully,

Acting Chairman.



M.C.R. 4781

Muskogee, Indian Territory, October 29, 1902.

Lillie Lott,

Kilmichael, Mississippi.

Dear Madam:

You are hereby advised that on the 17th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lillie Lott, et al.; of which decision you were advised by registered mail on the 9th day of August, 1902.

Respectfully,

Acting Chairman.

For Identification as a Mississippi Choctaw.

Meridian, Miss. FEB 11 1902

Name Lillie Fatt

Age ~~20~~ 20 Blood 1/4

Post Office Kilmichael, Miss.

Father: George Allen S

Mother: Sallie Allen 1/2 S

claims through mother  
husband Robert Lott  
residence in Meridian.

Gen. ... 4 children.

Children:

Annie Lee	Lott	4
Robert Lee	"	3
Sorinda	"	2
Jimmie Ann	"	10 mo.

Stenographer

R. S. Struss

Choctaw MCR 4782

Neeley Townsend

See MCR 4755

MCR 4782

2

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 14, 1902.

In the matter of the application of Neeley Townsend for the identification of herself and six minor children, Peonard, Pearlle, Will Henry, Neeley, Sarah Frances and Dewit, as Mississippi Choctaws.

Neeley Townsend, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Neeley Townsend.  
Q How old are you? A Thirty years old.  
Q How much Choctaw blood have you? A Quarter, I claim; my mother 's half.  
Q What's your post office address? A Kilmichael, Mississippi.  
Q What county? A Montgomery County.  
Q How long have you lived there? A All my life.  
Q Father living? A Yes, sir.  
Q What's his name? A Dick Green.  
Q Your mother living? A Yes, sir.  
Q What's her name? A Ellen Green.  
Q Through which one of your parents do you get your Choctaw blood?  
A My mother.  
Q Is the Ellen Green who appeared before the Commission here yesterday your mother? A Yes, sir.  
Q How long has she lived up there in Montgomery County? A All her life.  
Q How much Choctaw blood has she? A Well, her mother's whole Indian  
Q She 's half? A Yes, sir.  
Q Are you married? A Yes, sir.  
Q Husband living? A Yes, sir.  
Q What's his name? A Bill Townsend.  
Q Has he any Choctaw blood? A Not that I knows of.  
Q You make no claim for him then? A No, sir.  
Q How many children have you living? A Six.  
Q What are their names and ages? A Leonard.  
Q How old? A Fourteen.  
Q Next one? A Pearlle.  
Q Girl? A Yes, sir.  
Q How old? A She 's twelve.  
Q Next one? A Will Henry.  
Q How old? A Ten.  
Q Next one? A Neeley.  
Q Girl? A Yes, sir.  
Q How old? A She 's eight.  
Q Next one? A Sarah Frances.  
Q How old? A She 's six.  
Q Next one? A Dewit.  
Q Boy? A Yes, sir.  
Q How old? A Two.

Neeley Townsend, et al., 2.

Q That all? A Yes, sir.

Q These children all living with you at this time? A Yes, sir.

Q Are they all the children of yourself and Bill Townsend? A Yes, sir.

Q This application, then, is for yourself and six minor children?

A Yes, sir.

Q Is your name, or the name of any one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir; - what did you say?

Q Is your name, or the name of any one of these minor children, to be found upon any of the Choctaw tribal rolls in Indian Territory?

A Not as I know of.

Q Has any application of any description ever been made before to-day for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A Yes, sir, - Oh! no, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and six minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Not exactly.

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

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

Neeley Townsend, et al., 3.

case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion 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 14th article now? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A Not that I know of.

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

Q Did any of them, in fact, live here at that time? A Grand mother she was here at that time.

Q What was her name? A Frances Copeland.

Q Did she have any Choctaw blood? A Yes, sir.

Q How much? A She was whole Indian.

Q Where did she live, seventy one years ago? A She was in Mississippi.

Q Where? A Montgomery County.

Q Are you sure of that? A Yes, sir, I heard my mother say she was, and I heard my grand mother say she had been here.

Q She didn't own an improvement here at that time? A Not that I know of.

Q Did any of your ancestors remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?

A No, sir, not that I know of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government, here in Mississippi for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Or under any other article of that treaty, or under the supplement? A I don't know.

Q Did any of them ever get any money from the Government? A Not as I know of.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and

Neeley Townsend, et al., 4.

take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases, between the years 1837 and 1845.

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

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

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

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

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A To prove that my mother is half Indian?

Q Any witnesses of any kind? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission in support of your application they may appear before the Commission, here at Meridian, Mississippi, today or tomorrow, or within a reasonable time thereafter at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Neeley Townsend, et al., 5.

- Q Are there any further statements you want to make? A No, sir.  
Q Have you any sisters living? A Yes, sir.  
Q What's the name of one of them? A Mandy Powell.  
Q Did she appear before the Commission here yesterday? A Yes, sir.  
Q You don't speak or understand the Choctaw language, do you?  
A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro, and either white or Indian blood, in which the negro blood predominates. Her hair is somewhat inclined to be straight. She has the features and facial expressions of a negro.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above and foregoing entitled cause at Meridian, Mississippi, on the 14th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Seale, Mississippi, this 12th day of March, 1902.

*L. R. M. W. W. W.*

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

By *[Signature]*

Deputy.



COPY.

Muskogee, Indian Territory, April 14, 1903.

Keoley Townsend,

Kilmichael, Mississippi.

Dear Sir:

You are hereby advised that on the 14th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Allen Green, et al., embracing the following applications for identification as Mississippi Choctaws:

Allen Green,	H.C.R.4755;
Amanda Powell, et al.,	H.C.R.4756;
Alberta Hemphill, et al.,	H.C.R.4757;
Fannie King, et al.,	H.C.R.4758;
Ransom Green, et al.,	H.C.R.4783;
Keoley Townsend, et al.,	H.C.R.4782.

These applications were made under the provision of the act of Congress of June 18, 1898, (30 Stats., 495), which is as follows:

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

Said decision includes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine

L. T., 2.

The identity of Ellen Green, Amanda Powell, Ferdie Lee,  
Lennie Lee, Isabara Lee, Alberta Hemphill, Alma Brentie,  
Lollie Brentie, Vessie Brentie, Charley Brentie, Anna  
Brentie, Elmer T. Brentie, Fannie King, Lora King, Jesse  
King, Dovie King, Ella Cora King, Annie Belle King,  
Lance Green, Elias Green, Houlah Green, Wesley Townsend,  
Walter Townsend, Lealie Townsend, Will Henry Townsend,  
Walter Townsend (2), Sarah Frances Townsend and Dewitt  
Townsend as Choctaw Indians entitled to rights in the  
Choctaw lands under the provisions of said Article four-  
teen of the treaty of eighteen hundred and thirty, and  
that the applications for their identifications as such  
should be refused, and it is so ordered.

You are further advised that you will file the above  
documents from the date hereof within which to file the same in this  
office, and that at the expiration of said time the same in the  
case, together with such an exhibit, will be referred to the Sec-  
retary of the Interior through the Commission on Indian Affairs.

Respectfully,

*James H. ...*  
Chairman.

Attest:

H.O.R. 4782

Waskoge, Indian Territory, October 10, 1903.

Neeley Townsend,

Kilmichael, Mississippi.

Dear Madam:

You are hereby notified that on the 29th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ellen Green, et al., of which decision you were advised by registered mail on the 14th day of April, 1903.

Respectfully,

Chairman.

# For Identification as a Mississippi Choctaw.

Meridian Miss

Date FEB 11, 1902

Name *Akeley Townsend*

Age *30* Blood *1/4*

Post Office, *Kilmichael, Miss.*

Father: *Dick Green* L

Mother: *Ellen* " S

Claims through mother.

husbands, *Bill Townsend* S  
No claim for husband

*Alma*

### Children:

<i>Leonard</i>	<i>Townsend</i>		<i>14</i>
<i>Pearlie</i>	"	<i>(F)</i>	<i>12</i>
<i>Will Henry</i>	"		<i>10</i>
<i>Akeley</i>	"	<i>(F)</i>	<i>8</i>
<i>Sarah F.</i>	"		<i>6</i>
<i>Dewit</i>	"	<i>(M)</i>	<i>2</i>

Stenographer

*R. S. Streit*

Choctaw MCR 4783

Ransom Green

See MCR 4755

MCR 4783

4783

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 14, 1902.

In the matter of the application of Ransom Green for the identification of himself and two minor children, Pleas and Beulah as Mississippi Choctaws.

Ransom Green, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Ransom Green.  
Q How old are you? A Thirty two.  
Q How much Choctaw blood have you? A About 1/4, I think.  
Q What's your post office address? A Kilnichael, Mississippi.  
Q What county? A Montgomery.  
Q How long have you lived in Montgomery County? A All my life.  
Q Is your father living? A Yes, sir.  
Q What's his name? A Dick Green.  
Q Mother living? A Yes, sir.  
Q What's her name? A Ellen Green.  
Q Is she the Ellen Green who appeared before the Commission here yesterday? A Yes, sir.  
Q What relation are you to Neoley Townsend? who appeared before the Commission just now? A My sister.  
Q Are you married? A Yes, sir.  
Q What's the name of your wife? A Lula.  
Q Has she any Choctaw blood? A No, sir.  
Q You make no claim for her then? A No, sir.  
Q Been married more than once? A No, sir.  
Q Has she? A No, sir.  
Q How many children have you living? A Two.  
Q What are their names and ages? A Pleas.  
Q How old? A He 's thirteen years old.  
Q Next one? A Beulah.  
Q How old? A Twelve.  
Q These children both living with you now? A Yes sir.  
Q Are they both the children of yourself and Lula Green? A Yes, sir.  
Q This application is for yourself and two minor children? A Yes, sir.  
Q Were you married to Lula under a license? A Yes, sir.  
Q When? A In '86.  
Q Where? A At Montgomery County, near Winona, in the country.  
Q Who married you? A Mr. Fountain Townsend, a whiteman preacher.  
Q Have you your license and certificate with you at this time?  
A No, sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Lula

Ransom Green, et al., 2.

for use in connection with the application which you made in behalf of your two minor children. This evidence should be furnished within thirty days from this date if possible.

- Q Is your name, or the name of either one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir, not that I know of.
- Q Has any application of any description ever been made before today for you or either of these children, for the purpose of establishing your rights as Choctaw Indians? A Not that I know of.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek for yourself and these two minor children? A Yes, sir.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A I heard you explain it a few times a while ago.
- Q Do you think you understand it? A Yes, sir, very well.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No, sir not that I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty of Dancing Rabbit Creek was made? A Well, I suppose my grand mother was here; I know she was.
- Q What was her name? A Frances Copeland.
- Q You don't know whether she owned an improvement here or not? A No, sir.
- Q Where did she live seventy one years ago? A She was in Montgomery I reckon; they say she was raised there.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1830 and 1838? A No, sir, not that I know of.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know, sir.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q Did any of them ever get any land from the Government under any other article of that treaty, or under the supplement? A No, sir, not that I know of.
- Q So far as you know, then, none of your ancestors ever received any land from the Government of the United States? A No, sir, not that I know of.
- Q Did any of them ever get any money from the Government? A No, sir not that I ever knowed of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to

Ransom Green, et al., 3.

register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of a commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi and heard the cases of a great many Choctaws.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with 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 in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

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

Q Do you know of any written evidence of any description which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No, sir.

Q Do you know of any old person living who would likely know about that? A No, sir.

Q Have you any written evidence of any kind to offer at this time? A No, sir, have not.

Q Have you any witnesses here today? A Well, no, sir.



Ransom Green, et al., 4.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi, today or tomorrow, or within a reasonable time thereafter at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

- Q Have you any further statements you want to make at this time?  
A No, sir.  
Q Have you any brothers living? A No, sir, I have not two dead.  
Q Either of them leave children? A No, sir, both single.  
Q How many sisters have you living? A Six.  
Q Full sisters? A No, sir. Three of them half sisters.  
Q What are the names of your full sisters? A Fannie and Neeley.  
Q Fannie what? A King; she appeared before the Commission yesterday and Neeley appeared today.  
Q They are full sisters? A Yes, sir, more at home.  
Q Another full sister? A Yes, sir, two more/  
Q What are their names? A Govie Dorris.  
Q Next one? A Piggy Moore. They are married; got one little sister dead.  
Q She didn't leave any children? A No, sir.  
Q Any half sisters living? A Yes, sir.  
Q How many? A Two.  
Q What are their names? A Alberta Hemphill, she appeared before you yesterday.  
Q Next one? A Amanda Powell.  
Q You don't speak or understand the Choctaw language? A No, sir.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 14th day of ~~February~~ 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Seale, Mississippi, this 13th day of March, 1902.

*R. S. Streit*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.

Muskogee, Indian Territory, April 14, 1900.

Ransom Green,

Elmrichard, Mississippi.

Dear Sir:

You are hereby advised that on the 14th day of April, 1900, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ellen Green, et al., embracing the following public lists for identification as Mississippi Choctaws:

Ellen Green,	M.C.R.4755;
Amanda Powell, et al.,	M.C.R.4756;
Alberta Hemphill, et al.,	M.C.R.4757;
Fannie King, et al.,	M.C.R.4758;
Ransom Green, et al.,	M.C.R.4783;
Frederick Combs, et al.,	M.C.R.4784.

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

The public lists are as follows:

"It is the order of the Interior of this Commission that the evidence herein is insufficient to determine

A. G., C.

the identity of Ellen Green, Amanda Powell, Ferdie Poe, Jennie Poe, Isabana Poe, Alberta Hamphill, Alma Brontie, Nellie Brontie, Vessie Brontie, Charley Brontie, Luna Brontie, Henry T. Brontie, Fannie King, Lora King, Josse King, Dovie King, Ella Dora King, Annie Belle King, Hanson Green, Leas Green, Beulah Green, Leeley Townsend, Leonard Townsend, Corlie Townsend, Will Lewis Townsend, Freda Townsend (2), Sarah Emma's Townsend, and all Townsend as Choctaw Indians. All the names in the Choctaw Indian's application are listed in the fourth of the treaty of Washington signed in thirty, and that the application for their identification should be refused, and if in case of any.

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

Respectfully,

Chairman.

Registered.

M C R 4757

M C R 4758

M C R 4759

Muskogee, Indian Territory, April 14, 1906.

Alberta Herrhill,  
Maryland, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you ask to be advised the status of the cases of yourself, Ellen Green and Ransom Green, applicants to this Commission for Identification as Mississippi Choctaws.

In reply to your letter you are informed that it appears from our records that Alberta Herrhill, Ellen Green and Ransom Green made application to this Commission for the identification of themselves and families as Mississippi Choctaws. Up to the present time this Commission has not rendered any opinion relative to the rights of these applicants to such identification. As soon as a decision is rendered they will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Chairman.

M C R 4783

Muskogee, Indian Territory, May 4, 1903.

Ransom Green,

Kilmichael, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th ultimo, relative to the decision of the Commission refusing your application for identification as a Mississippi Choctaw. You make certain statements regarding your Choctaw ancestry and ask that the Commission "reconsider this fact."

In reply you are informed that the fifteen days from April 14, 1903, heretofore allowed you within which to offer arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on April 29, 1903. On April 30, 1903, the record in your case, together with the decision of the Commission, was forwarded the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Chairman.

COPI

Muskogee, Indian Territory, October 10, 1903.

Ransom Green,

Kilmichael, Mississippi.

Dear Sir:

You are hereby notified that on the 29th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ellen Green, et al., of which decision you were advised by registered mail on the 14th day of April, 1903.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Meridian, Miss. FEB 11 1902  
Date

Name Ransom Green

Age 32 Blood 1/4

Post Office, Kilmichael, Miss.

Father: Dick Green L

Mother: Ellen " L

Claims through mother.

wife Lula Green L  
no claim for wife

Claims for wife and children

Children:

Pleas Green 13

Beulah " 12

R. A. Street

Choctaw MCR 4784

Matthew Stallings

See MCR 4792

MCR 4784



4784

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 14th, 1902.

In the matter of the application of Matthew Stallings for the identification of himself and three minor children, Magnolia, Matthew J., and Marion M. Stallings, as Mississippi Choctaws.

Matthew Stallings, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Matthew Stallings.
- Q How old are you? A I guess I'm about fifty years old.
- Q How much Choctaw blood have you? A I don't know-my mother was claimed to be a half Choctaw and my father was claimed to be an Indian. She was brought from Georgia Young and I was born here in Mississippi.
- Q What's your postoffice address? A Starkville, Mississippi.
- Q Oktibbeha County, Mississippi? A Yes sir.
- Q How long have you lived in that County? A I've been there all my life.
- Q Is your father living? A No sir.
- Q What was his name? A Charles.
- Q What other name did he have? A I don't know, sir.
- Q Is your mother living? A No sir.
- Q What was her name? A Peggy.
- Q What other name did she go by? A Peggy Stallings.
- Q You claim to get Choctaw blood through both your parents? A Yes sir.
- Q You state your father was said to be Indian-what kind of an Indian was he, do you know? A No sir, I reckon, though, he was a Choctaw Indian; They was camped through that country when I was young. After the war they were in there thick.
- Q Did you ever see Charles? A Yes sir.
- Q Are you sure he was a full blood Choctaw Indian? A Yes sir, I reckon he was-I wouldn't swear that but he wasn't a slave and y mother was. If I said he was a full blood I wouldn't know it.
- Q Did you ever hear whether he was a full blood Choctaw Indian or not? A No sir.
- Q Your mother, you say, was a half blood Ch ctaw? A Yes sir.
- Q And was a slave? A Yes sir.
- Q How old would she be if she were living now? A I don't know, sir-I spect she would be seventy-five odd years, or eighty maybe.
- Q Where was she born? A Alabama, I think.
- Q What place? A I don't know, sir.
- Q How old was she when she came to Mississippi? A I don't know cause I was born here.
- Q I thought you said she came from Georgia? A I meant Alabama.
- Q You don't know what part of Alabama she came from? A No sir, I was too young to know about Counties.
- Q Could your mother talk the Choctaw language? A No sir.
- Q Could your father? A Yes sir, I think he could-I know he could-he belonged among the Indians. He could talk English I know so we could understand him.
- Q Where was your father born, do you know? A No sir, I don't know.
- Q Do you know here his parents lived? A No sir.
- Q Do you know the name of your mother's father? A No sir.
- Q Or of her mother? A No sir.

- Q Do you know where they were born and raised? A No sir, I don't know-I can't go any further back than my mother.
- Q How do you know this Indian was your father? A Well, I don't know that-it was claimed that-of course they was claimed man and wife and she was sold about him. He didn't work and stayed round and become troublesome to the owners and they had to sell her. She was a house woman.
- Q Did they ever live together as an and wife? A Yes sir, he come on the place there and there was no objection to him on the place.
- Q How long did they live together? A I reckon it might have been six or seven years-he stayed about there about six or seven years-backwards and forwards.
- Q Were they ever married? A No sir, I reckon not-not lawfully.
- Q How many children did she have by this man? A Three.
- Q Boys or girls? A All boys.
- Q Are the other two living? A Yes sir.
- Q What are their names? A This one is named Billy-I belonged to different men-he to a man by the name of William Robinson but we go by the name of Stallings.
- Q What's the other brother's name? A Nathan-he goes by the name of Stallings too.
- Q Has either of them been before the Commission? A No sir.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What's her name? A Mell.
- Q Has she any Choctaw blood? A No sir.
- Q You make no claim for her, then? A No sir.
- Q How many children have you living? A Three.
- Q What are their names and ages? A Magnolia-she will be eight years old in March.
- Q Next one? A Matthew xxx J.
- Q How old? A He's about six.
- Q Next one? A Marion M.
- Q How old? A Four.
- Q Are these children all living with you now? A Yes sir.
- Q The two youngest are boys and the oldest is a girl? A Yes sir.
- Q Are they all the children of yourself and Mell Stallings? A Yes sir.
- Q Were you married to her under a license? A Yes sir.
- Q When? A Its been about thirteen years last October.
- Q Where? A I was married at her father's house in Oktibbeha County.
- Q Who married you? A Elder White.
- Q Have you the license with you? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Mell for use in connection with the application you make in behalf of your three children. This evidence should be furnished within thirty days from this date.

- Q This application is for yourself and three minor children? A Yes sir.
- Q Is your name or the name of any one of these children on any of the Choctaw Tribal rolls in Indian Territory? A No sir, not as I know of.

- Q Has any application ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes sir-I heard it explained here several times today and I understand it.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A No sir.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made-71 years ago? A No sir.
- Q Did any of them live here in the old Choctaw nation at that time? A No sir, none as I know of.
- Q Did any of your ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I couldn't tell anything about that.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A No sir, I don't know anything of that.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.
- Q Did any of them ever get any land here in Mississippi from the Government under any other article or provision of that treaty? A No sir.
- Q Did any of them ever get any money from the Government? A No sir.
- Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A Not as far as I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the

Matthew Stallings et al--4

cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A None as I know of.

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

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

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir I don't know of anyone.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence to offer at this time? A Yes sir.

The joint affidavit of John Halbert and Burs Stallings is offered in evidence, identified as Exhibit-A, filed and made a part of the records in this case.

Q Who is this man John Halbert? A He is an old settler in the country.

Q Is he a negro or white man? A He's a black man.

Q What is Burs Stallings? A He's a black man.

Q Are either of them any kin to you? A No sir.

Q What's their postoffice address? A Whitestown-that's a new post-office.

Q Have you any witness here today? A No sir.

Q Are there any further statements you want to make at this time in support of your application? A No sir, I believe not.

Q Have you any children living who are of age? A No sir, none of age.

Matthew Stallings et al---5

Q Have you any children dead who left children? A No sir-I've been married twice and my first wife is dead and my child by her is dead.

Q Did you ever have any sisters? A Yes sir, there's one I think but she died young.

Q Did you ever have any half brothers or half sisters? A No sir.

Q Are any of your mother's brothers or sisters living? A No sir, I don't know anything about anything of the kind /

Q And you don't know anything about any of your father's people?

A No sir.

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood in which the negro blood largely predominates. His hair is black and inclined to be straight. He does not speak or understand the Choctaw language.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 14th, 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.

*Ira S. Niles*

Subscribed and sworn to before me this the 8th day of March, 1902, at Philadelphia, Mississippi.

*L. B. Morley*

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

By *[Signature]*

Deputy.

Miss. Choc.4784

Muskogee, Indian Territory, February 26, 1902.

Matthew Stallings,

Starkville, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of certified copies of marriage licenses and certificates between Matthew Stallings and Sallie Zuber, of December 27, 1872, and Matthew Stallings and Mellie Rice, of September 26, 1888, offered in support of your application for the identification of yourself and your children as Mississippi Choctaws. The same have been filed with the record in your case.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, April 14, 1903.

Matthew Stallings,  
Starkville, Mississippi.

Dear Sir:

You are hereby advised that on the 14th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Billy Robison, et al., embracing the following applications for identification as Mississippi Choctaws:

Billy Robison, et al., M.C.P. 4792  
Matthew Stallings, et al M.C.P. 4784

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 Billy Robison, Matthew Robison, Victoria Robison, Annie Robison, Billy Robison, Jr., Lucy A. Robison, Lewis Robison, Mollie Robison, Matthew Stallings, Magnolia Stallings, Matthew J. Stallings and Marion W. Stallings as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered

-2-

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

Respectfully,

*Tamm Dickey*  
Chairman.

Registered.



M.C.R. 4784

COPY.

Muskogee, Indian Territory, August 2, 1904.

Matthew Stallings,

Starkville, Mississippi,

Dear Sir:

You are hereby notified that on the 25th 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 Billy Robison et al., of which decision you were advised by registered mail on the 14th day of April, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

#1705

No. 2731

For Identification as a Mississippi Choctaw.  
Meridian Miss.

Date FEB 11 1902

Name Matthew Stallings

Age 50 Blood 3/4

Post Office, Starkville, Miss

Father: Charles — &

Mother: Peggy Stallings. &

Claims through both parents.

wife Mollie Stallings S.  
No claim for wife

Claim: " " " "

Children:

Magnolia Stallings (F) 7

Matthew J. " (M) 6

Marion M. " (M) 4

Stenographer

J. J. Miller

Choctaw MCR 4785

Thomas H. Davis

See MCR 5432

MCR 4785

4785

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 14th, 1902.

In the matter of the application of Thomas H. Davis for the identification of himself and six minor children, Mamie, Joseph, Marguerite, George, Thomas and Norma, as Mississippi Choctaws.

APPEARANCES; S. A. Beadle, Attorney for applicant,  
A. W. Jones, Agent for applicant.

Said Thomas H. Davis, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Thomas H. Davis.  
Q How old are you? A Forty-three years old.  
Q How much Choctaw blood do you claim to have? A I claim at least one eighth.  
Q What's your postoffice address? A Natchez, Mississippi.  
Q Your local address? A No. 12, Devereux Street.  
Q How long have you lived at Natchez? A All my life-nearly all my life.  
Q Where were you born? A At Washington, Adams County, Mississippi.  
Q You have lived in this State, then, all your life? A Yes sir.  
Q Is your father living? A No sir.  
Q What was his name? A Allen Davis.  
Q Did he have any Choctaw blood? A No sir.  
Q Is your mother living? A No sir.  
Q What was her name? A Margaret Davis.  
Q You get your Choctaw blood, then, solely through your mother? A Yes sir.  
Q How much Choctaw blood do you claim she had? A Well, she was at least a quarter.  
Q Through which one of her parents did she get her Choctaw blood?  
A Through her father.  
Q What was his name? A Thomas J. Dent.  
Q How much Choctaw blood did he have? A Well, I know he must have had at least half.  
Q Did you ever see him? A Yes sir.  
Q When did he die? A I don't know-I was quite small.  
Q Are you a full brother of William M. Davis who just appeared before the Commission? A I am.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Julia Ann Davis.  
Q Have you been married more than once? A No sir.  
Q Is your wife living? A Yes sir.  
Q Has she any Choctaw blood? A Not that I know of.  
Q You make no claim for her then? A No sir.  
Q How many children have you living? A Six.  
Q What are their names and ages, the oldest first? A Mamie.  
Q How old? A Fifteen.  
Q Next one? A Joseph.  
Q How old? A Fourteen.  
Q Next one? A Marguerite, eight.  
Q Next one? A George, six.  
Q Next one? A Thomas, five.  
Q Next one? A Norma, three.

- Q Is that all? A Yes sir.  
Q Are these children living with you at this time? A Yes sir.  
Q Are they all the children of yourself and Julia A. Davis? A Yes sir.  
Q This application, then, is for yourself and six minor children? A Yes sir.  
Q Were you married to Julia A. Davis under a license? A Yes sir.  
Q Have you that license with you now? A Yes sir, a certified copy.

Certified copy of marriage bond, license and certificate of Thomas H. Davis and Julia A. Bowie offered in evidence, identified as Exhibit-A, filed and made a part of the records in this case.

- Q Is your name or the name of any one of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.  
Q Has any application of any description ever been made before today for you or any of these children looking to the establishment of your rights as Choctaw Indians? A No sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and six minor children under article 14 of the treaty of Dancing Rabbit Creek? A I do.  
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A I think so, yes sir.  
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? Q I have no knowledge that they did.  
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not to my knowledge.  
Q Did any of them live here at that time, as a matter of fact, 71 years ago? A Yes sir.  
Q What one? A My grandfather Thomas J. Dent.  
Q Where did Thomas J. Dent live at that time? A In the town of Washington.  
Q Adams County, Mississippi? A Yes sir.  
Q What makes you think he did? A I always heard so--I heard it from my grandmother and my mother and uncles and aunts.  
Q Did any of your Choctaw ancestors remove from the country occupied by the Choctaws here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know, sir.  
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know.  
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not to my knowledge.  
Q Did any of them ever get any money from the Government to your knowledge? A No sir.  
Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

Q Did any of your ancestors appear before any of the Commissioners appointed under the act of Congress approved March 3rd, 1837, or August 23, 1842, and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I have no knowledge of it if they did.

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

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Not to my knowledge.

Q Do you know of any old person living who could likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits hereunder? A I do not.

Q Have you any written evidence of any kind to prove or tend to prove such a state of facts? A No.

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

Q Have you any witnesses here today? A Yes sir.

Q What are their names? A Captain Winston and Mr. Hays.

Q What do you expect to prove by these witnesses? A I expect to establish the fact that my ancestors were Choctaw Indians and through my grandfather I get my Choctaw blood.

Q Do they know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A I don't know that they do.

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear before us here tomorrow or within a reasonable time thereafter at ~~Maximilianopolis~~ Muskogee, Indian Territory, and their testimony will be taken.

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

Q Do you speak or understand the Choctaw language? A No sir, I do not.

Q Did your mother? A I think she did.

Q Did her father? A Yes sir, he spoke the Indian language. I don't know what kind of Indian language but they spoke the language, in fact his place there in the ~~town~~ town of Washington, his blacksmith shop, was a gathering place for the Indians in that section. I've ~~be~~

Thomas H. Davis et al--4

been informed that they were nothing but Choctaw Indians at that time in that section of the country-they were all Choctaws.

Examination by Mr. Jones:

- Q What did you say just now about owning that land in the town, a little lot? A My grandfather-
- Q How did he get it? A By purchase.
- Q Who did he get it from? A I don't know that.
- Q Do you know whether it was gave to him? A He got it by purchase.
- Q You know that? A That's what I was always informed.

This applicant shows no indications of being possessed of Indian blood-he has none of the features or characteristics of an Indian. His hair is straight and dark-he has a dark complexion and dark eyes-it would appear that white blood predominates.

-----

Samuel L. Winston, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Samuel L. Winston.
- Q How old are you? A I will be eighty years old the 10th day of November-I was born in '22.
- Q What's your postoffice address? A Selma, Adams County, Mississippi. Its a new postoffice-been established only a short time.
- Q How long have you lived there in Adams County? A All my life.
- Q You have no Indian blood, have you? A No sir.
- Q You are not a claimant before the Commission? A No sir, no interest in it at all.
- Q Are you acquainted with Thomas H. Davis? A Yes sir I know him.
- Q Are you acquainted with William V. Davis? A Yes sir.
- Q What relation are Thomas and William H. Davis to each other? A I believe they were brothers.
- Q You are not related to either of them? A No sir.
- Q Are you interested in any way in the result of their applications? A No sir, only as friends of these people. I knew their father very well. He lived right across the street from me in Washington. I knew him very well.
- Q You have known these applicants, then, all their lives, have you? A Yes sir, some of them have grown up so I don't recognize them but they all recognize me.
- Q Have they lived there in that County all their lives? A I think so.
- Q What was the name of their father? A Allen Davis.
- Q Were you acquainted with him? A Yes sir.
- Q Did he have any Choctaw blood? A No sir, he was a Kentuokian.
- Q Were you acquainted with their mother? A Yes sir.

- Q What was her name? A Margaret.
- Q Did she have any Choctaw blood? A Not that I know of unless it come through her father.
- Q How long has she been dead? A I don't know, sir.
- Q Do you remember about when she died? A No sir, I don't-She died in Natchez and I was living in the county.
- Q How old would she be if she were living now-have you any idea? A She would be along in the sixties.
- Q Do you know where she was born? A In Washington.
- Q Adams County? A Yes sir.
- Q Did she live in that County all her life? A Born and raised there.
- Q Were you acquainted with her parents-her father and mother? A Yes sir.
- Q What was the name of her father? A Thomas Jefferson Dent. Her mother was named Jane.
- Q Did either of them have any Choctaw blood? A I have always understood that Thomas J. did; he was a Choctaw.
- Q How much Choctaw blood did he have? A Half I think-I think his mother was a Choctaw woman.
- Q When did you first know him? A When I was a little boy-when I was about ten years old-he lived right cross the street-he was a blacksmith by trade.
- Q Was he older or younger than you? A He was ~~younger~~ older-ten or twelve years older I think.
- Q Could he speak or understand the Choctaw language? A Not that I know of.
- Q Were you well acquainted with him? A Yes sir, very well.
- Q How long did you live near him? A Ten or twelve years.
- Q During your boyhood? A Yes sir, from the time I was ten years old until I left school.
- Q When did he die? A I think he died in '63-I was in the army at the time-'62 or '53.
- Q During the time of your acquaintance with him you never heard him speak the Choctaw language? A No sir, there were a great many Indians there at that time and they were always round the shop; he took a great deal of interest in me.
- Q Did you ever see his mother? A No sir.
- Q Do you know what her name was? A No sir.
- Q Do you know what his father's name was? A Thomas J. Dent.
- Q Was the name of his father? A Yes sir.
- Q His father was a white man? A Yes sir.
- Q According to your statement, you must have met this man Thomas J. Dent about 1832? A Yes sir, that's the very time I did meet him.
- Q Do you know where he lived for, say, three years immediately prior to the time you met him? A In Washington.
- Q Lived there in the town of Washington all that time? A Yes sir.
- Q Was he born in that town? A I don't know whether he was or not but he always lived there and learned his trade there. He was a blacksmith.
- Q Do you know whether he or any of his ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A I don't know, sir, that he ever did. I hardly think they ever did.
- Q You never heard of his ever having received any benefits as a Choctaw Indian? A No sir; he raised a large family there and was a



very industrious man.

Q Do you know the names of all of his children? A No sir, not all.

Q Give us some of the names? A The oldest one I think was named Gus; then I think Margaret was next; then he had one they called Hun; then there was Hays.

Q Next one? A Willie.

Q Are any of these children living now? A Some of them are living I think one or two of them.

Q The children of Thomas J. Dent? A Yes sir.

Q What ones of them are living? A I don't recollect, sir.

Examination by Mr. Jones:

Q How old are you? A I will be eighty years old on the tenth day of November. I was born in '22.

Q Did you know the grandfather of Mr. Davis and his brother, the applicants here? A Yes sir.

Q Where did you meet him at? A In Washington.

Q Where you live now? A No sir, I live a short distance from there.

Q Was he recognized by the Indians as having Indian blood in him to your knowledge? A Not to my knowledge-he associated with them and they had a great deal of business together.

Q These applicants that you called the names of are the descendants of that man you have reference to? A Yes sir.

Commission:

This ~~is~~ witness is a white man of average intelligence.

-----  
John B. Hays, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A John B. Hays.

Q What is your age? A Fifty-three years old.

Q What's your postoffice address? A Natchez, Mississippi, Adams County.

Q How long have you lived in Adams County? A Fifty-three years.

Q What's your occupation? A Blacksmith.

Q Have you any Choctaw blood? A I don't think I have-I think I have a little Cherokee but not enough to claim on.

Q Are you acquainted with these applicants William M. Davis and Thomas H. Davis? A Yes sir.

Q How long have you known them? A Known them all their lives.

Q Are you any kin to them? A No sir.

Q Are you interested in any way in the result of their applications? A No way, shape or manner, form or fashion.

Q Were you acquainted with their parents? A Yes sir.

Q What was the name of their father? A Allen Davis.

Q Did he have any Choctaw blood? A Don't think he did-no sir.

Q What was the name of their mother? A Margaret.

Q Did she have any Choctaw blood? A Well, sir, she had the appearance of an Indian-very much so.

Thomas H. Davis et al--7

Q You couldn't swear that she had Choctaw blood? A Well, from the knowledge that I have of her father I would say she had Choctaw blood--looked like a half-breed.

Q How long has she been dead? A From the statement of her son, he said thirteen years--I suppose that's about right.

Q Were you acquainted with her father and mother? A Yes sir, very well.

Q What were their names? A Thomas Jefferson Dent and Jane Dent--they all called her Muddy.

Q How much Choctaw blood did you say Thomas Jefferson had? A He looked to me like a pure Indian--I knew him very well.

Q Did he claim to be a full blood Indian? A No sir, I have heard them say he was a Choctaw Indian. He looked very much like an Indian.

Q Where did he live when you knew him? A Washington, Adams County,

Q Did he live there all his life? A I couldn't say all his life but he lived there a long time.

Q How long has he been dead? A I think he died about sixty-three.

Q Do you know about how old he was when he died? A I couldn't say but he would now be a very old man. He was what you might call a man way long in years when I was a little chap.

Q Did he speak or understand the Choctaw language? A I don't know whether he did or not, sir.

Q Do you know where he was born? A No sir, I do not.

Q Do you know the name of his father or mother? A No sir, I don't.

Q Do you know through which one of his parents he got his Choctaw blood? A Well, I heard from his mother--I don't know of my own knowledge.

Q You never saw her, did you? A No sir, never did.

Q Did you ever hear of any of these people living in Indian Territory? A Never.

Q Do you know whether any of the ancestors of these applicants ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I do not.

Q Did you ever hear of any of them ever having gotten any land from the Government? A Never.

Q Or any money from the Government? A Never.

Q So far as you know, then, none of them ever received any benefits whatever as Choctaw Indians? A No sir.

Q Do you know anything further about this case? A No sir.

Examination by Mr. Jones:

Q What's your name? A John B. Hays.

Q Do you recognize these applicants here now as being descendants of the gentleman you spoke of? A Yes sir, I've known them ever since they were born.

Q And they are all descendants of this Thomas J. Dent? A Yes sir, he was the grandfather of the applicants that are now before the Commission.

Commission:

This witness is a white man of average intelligence.

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

Thomas H. Davis et al--8

to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 14th, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*L. B. Mosley*  
Subscribed and sworn to before me this the 12th day of March, 1902,  
at Seale, Mississippi.

*L. B. Mosley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]*

Deputy.

COPY

P.C.C. 4285

Muskogee, Indian Territory, August 27, 1902.

Thomas H. Davis,  
Natchez, Mississippi.

Dear Sir:

You are hereby advised that on the 25th day of August, 1902, the decision to the Five Civilized Tribes rendered a decision in the consolidated case of Gary Clapp, et al., embracing the following applications for identification as Mississippi Choctaws:

Lary Clapp,	P.C.C. 5436
William F. Davis,	" 4791
Laura Allain,	" 4786
Irene V. Miller, et al.,	" 4787
David R. Denton, et al.,	" 5341
Thomas H. Davis, et al.,	" 4795
Virginia T. Walker, et al.,	" 4793
William F. Dent, et al.,	" 4719
Thomas J. Dent, et al.,	" 4788
Charles R. Dent,	" 4790
Augusta Dent,	" 4790
David Dent,	" 4791

Under the provisions of the act of Congress of June 28, 1898 (30 Stats., 493), which was as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourth of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and 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 any of the persons named in the list of Choctaw Indians, to-wit: Mary Davis, William H. Davis, Laura Allen, Irene V. Miller, Emily Miller, David H. Adams, Marguerite Stevens, William H. Adams, Thomas H. Davis, John Davis, Joseph Davis, Mary White Davis, George Davis, Thomas Davis, Norma Davis, Virginia H. Adams, Elizabeth H. Adams, William H. Adams, Virginia H. Adams, Thomas H. Adams, Charles H. Adams, Sophia Adams, Robert Adams, Charles H. Adams, and the said Lewis Adams, under the provisions of said article fourth of the treaty of 1830, and that the application herein for said lands should be denied, 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 approval of any and all action of such action as may be deemed proper.

Very truly,  
Your obedient servant,

Acting Secretary.

M C R 4785


Muskogee, Indian Territory, October 29, 1902.

J Thomas H. Davis,  
Natchez, Mississippi.

Dear Sir:

You are hereby advised that on the 17th 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 Mary Clapp, et al., of which decision you were advised by registered mail on the 27th day of August, 1902.

Respectfully,

  
Acting Chairman.

#1796

No. 4785

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date FEB 11 1902

Name Thomas H. Davis

Age 43 Blood 1/8  
12 Deveraux St.

Post Office, Natchez, Miss

Father: Allen Davis &

Mother: Margaret " 1/4 &

Claims through mother  
wife -

Julia A. Davis L.  
no claim for her.

(Name of mother's maiden name)

Children:

Mamie	Davis	15
Joseph	"	14
Marguerite	"	8
George	"	6
Thomas	"	5
Not named	"	3

W. A. Hiley

Choctaw MCR 4786

Laura Allain

See MCR 5432

MCR 4786



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 14th, 1902.

In the matter of the application of Laura Allain for the identification of herself alone as a Mississippi Choctaw.

APPEARANCES: S.A. Beadle, Attorney for applicant,  
A.W. Jones, Agent for applicant.

Said Laura Allain, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Laura Allain.  
Q How old are you? A Thirty-one.  
Q How much Choctaw blood have you? A One-sixteenth I suppose.  
Q What's your postoffice address? A Baton Rouge, Louisiana-1021 Railroad Avenue.  
Q How long have you lived in Baton Rouge? A About nine years- since my marriage.  
Q Where did you live before that? A In Natchez, Mississippi.  
Q All your life? A Yes sir.  
Q Is your father living? A Yes sir.  
Q What's his name? A William M. Davis.  
Q Is your mother living? A No sir.  
Q What was her name? A Sina Davis.  
Q Through which one of your parents did you get your Choctaw blood? A My father.  
Q Is the William M. Davis who appeared before the Commission today your father? A Yes sir.  
Q Are you married? A Yes.  
Q What's your husband's name? A Rodolph Allain.  
Q Has he any Choctaw blood? A No sir, not that I know of.  
Q You make no claim for him, then? A No.  
Q This application, then, is for yourself only? A Yes sir.  
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A Not that I know of.  
Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? 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 article 14 of the treaty of Dancing Rabbit Creek? A Yes.  
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes, I think I do.  
Q You have heard it explained here several times? A Yes.  
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not that I ever heard of.  
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir.  
Q Did any of them, in fact, live here in the old Choctaw Nation 71 years ago, when this treaty was made? A I think they did-I have always heard they did.  
Q What one of your Choctaw ancestors? A My great grandfather.

- Q What was his name? A Thomas Jefferson Dent.
- Q He lived where? A At Washington, Adams County.
- Q Did he own an improvement there at that time? A I think they owned a little property there. I have heard my father say they did.
- Q In that town? A Yes sir, a little home.
- Q Do you know where they got that property? A No, I heard my father and them say they bought it.
- Q Didn't get it from the Government, then? A No.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No, I don't suppose they did.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens and take land? A Not that I know of.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No.
- Q Did any of them ever get any land under any other provision of that treaty? A Not that I know of.
- Q Or any money from the Government? A No.
- Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians, is that right? A No sir, not as far as I know.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of those Choctaws who wanted to stay here and not move out west to the new nation. That Agent was down here in 1831. The treaty was ratified on the 24th day of February, 1831. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This, of course, caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they were entitled to land under this 14th article of the treaty of Dancing Rabbit Creek but that this land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down hereto Mississippi and heard a great many of these Choctaw cases.

Laura Allain--3

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit creek? A Not that I've ever heard.
- Q Did any of them ever get any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A I never heard they had, so I don't suppose they did.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, the only two that would know anything about that are the two witnesses here.
- Q Who testified in your father's case? A Yes sir.
- Q Have you any written evidence of any kind which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.
- Q Have you any written evidence to offer at this time? A No, none at all.
- Q Any witnesses here? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here tomorrow or within a reasonable time thereafter at Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time?  
A I don't believe there is.
- Q Do you speak or understand the Choctaw language? A No.
- Q Have you any brothers living? A No.
- Q Have you any brothers dead? A Little babies.
- Q Have you any sisters living? A Yes, two sisters.
- Q What are their names? A Irene Miller and Maud Stephens. Irene Miller is here.
- Q Have you any sisters dead? A Yes, one.
- Q Did she live to be grown? A No sir, only a child.

This applicant shows no indications of being possessed of Indian blood--does not speak or understand the Choctaw language. She has perfectly straight hair, rather dark complexion and light eyes.

-----

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, February 14th, 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 12th day of March, 1902,

Laura Allain--4

at Seale, Mississippi.

*L. B. Mosley*

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

By

*M. W. ...*

Deputy.

Muskogee, Indian Territory, August 27, 1902.

Laura Allain,

Baton Rouge, Louisiana.

Dear Madam:

You are hereby advised that on the 27th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Clapp, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Clapp,	M.C.R. 5432
William M. Davis,	" 4791
Laura Allain,	" 4786
Irene V. Miller, et al.,	" 4787
Maud R. Stevens, et al.,	" 5341
Thomas H. Davis, et al.,	" 4785
Virginia E. Walker, et al.,	" 4793
William F. Dent, et al.,	" 5419
Thomas J. Dent, et al.,	" 4788
Charles R. Dent,	" 4789
Augusta Dent,	" 4790
Louis Dent,	" 4794

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 498), which is as follows:

Laura Allain-2

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

Said decision concludes as follows:

"It is therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Clapp, William M. Davis, Laura Allain, Irene V. Miller, Emily Miller, Paul R. Stevens, Marguerite Stevens, William M. Stevens, Thomas H. Davis, Mamie Davis, Joseph Davis, Marguerite Davis, Cecelia Davis, Thomas Davis, Norma Davis, Virginia E. Walker, Livingston W. Irving, William F. Dent, Virginia F. Dent, Thomas J. Dent, Charlie Dent, Selma Dent, Robert Dent, Charles R. Dent, Augusta Dent and Louis Dent 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.

cc: 100.

M C R 4786

COPY.

Muskogee, Indian Territory, October 29, 1902.

Laura Allain,

Baton Rouge, Louisiana.

Dear madam:

You are hereby advised that on the 17th 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 Mary Clapp, et al., of which decision you were advised by registered mail on the 27th day of August, 1902.

Respectfully,

Acting Chairman.

For Identification as a Mississippi Choctaw.

Meridian, Miss.

Date

FEB 11 1902

Name Laura Allain

Age 31

Blond 1/16

Post Office, Baton Rouge, La. 1021 Railroad Ave.

Father: William M Daves S

Mother: Sina " S

Claims through father  
husband:

Rodolph Allain S  
Choctaw father

(1)

Children:

Stenographer J. S. Hiles.



Choctaw MCR 4787

Irene V. Miller

See MCR 5432

MCR 4787

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 14th, 1902.

In the matter of the application of Irene V. Miller for the identification of herself and one minor child, Emily, as Mississippi Choctaws.

APPEARANCES: S. A. Beadle, Attorney for applicant,  
A. W. Jones, Agent for applicant.

Said Irene V. Miller, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Irene V. Miller.  
Q How old are you? A Twenty-eight.  
Q How much Choctaw blood have you? A One-sixteenth I reckon.  
Q What's your postoffice address? A Meridian, Mississippi.  
Q What's your street address? A #1210 26th Avenue.  
Q How long have you lived in Meridian? A Little over two years.  
Q Where did you live before that? A Natchez, Mississippi.  
Q How long did you live there? A All my life until I came here.  
Q Is your father living? A Yes sir.  
Q What's his name? A William M. Davis.  
Q Is your mother living? A No sir.  
Q What was her name? A Sina Davis.  
Q Through which one of your parents did you get your Choctaw blood? A My father.  
Q Is the William M. Davis who appeared before the Commission here today your father? A Yes.  
Q Are you married? A Yes sir.  
Q What's the name of your husband? A James H. Miller.  
Q Has he any Choctaw blood? A No sir, not that I know of.  
Q You make no claim for him? A No sir.  
Q How many children have you living? A One.  
Q What's the name of the child? A Emily.  
Q How old is she? A Three years old.  
Q Is she living with you now? A Yes sir.  
Q Is she the child of yourself and James H. Miller? A Yes sir.  
Q This application, then, is for yourself and one minor child? A Yes sir.  
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.  
Q Has any application of any description ever been made for you before today for the purpose, of establishing your rights as Choctaw Indians? A No sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand that 14th article? A Yes sir.  
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No sir, not that I know of.  
Q Did any of your ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made? A No sir.

- Q Did any of them live here in the old Choctaw Nation at that time-71 years ago? A Yes sir.
- Q Where? A In Washington, Mississippi.
- Q What County? A Adams County.
- Q Who of your Choctaw ancestors lived here at that time? A Thomas Jefferson Dent.
- Q What relation was he to you? A My great grandfather.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified, let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A No sir.
- Q Do you know about that, A I don't know about that.
- Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A I don't think they did.
- Q Did you ever hear of any of them ever having gotten any land from the Government? A No sir.
- Q Or any money from the Government? A No sir.
- Q You have heard the explanation as to the caused which brought about certain acts of Congress between the years 1837 and 1842 and the provisions contained in those acts, have you not? A Yes sir.
- Q Did any of your ancestors appear before any of these Commissioners appointed under these acts of Congress and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I think not.
- Q Did any of your ancestors ever get any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A I don't think so.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A None except the witnesses.
- Q That testified in your father's case? A Yes sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A I do not.
- Q Have you any written evidence to offer at this time? A No sir.
- Q Have you any witnesses here today? A My father's witnesses.
- Q Their testimony will be considered in your case. Any others? A No sir.

If you should find any other witnesses whose testimony you desire to have taken before the Commission they may appear before us here tomorrow or within a reasonable time at Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time?  
A No sir.

Irene V. Miller et al---3

Q What relation are you to Laura Allain who just appeared before the Commission? A She's my sister.

Q Full sister? A Yes sir.

This applicant shows no indications of being possessed of Indian blood-does not speak or understand the Choctaw language. She has perfectly straight hair, rather dark complexion and dark eyes.

-----  
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, February 14th, 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 12th day of March, 1902, at Seale, Mississippi.

*L. B. Massey*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *J. M. ...*

Deputy.

Muskogee, Indian Territory, August 27, 1902.

Irene V. Miller,  
Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 27th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Clapp, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Clapp,	M.C.R. 5432
William M. Davis,	" 4791
Laura Allain,	" 4786
Irene V. Miller, et al.,	" 4787
Maud R. Stevens, et al.,	" 5341
Thomas H. Davis, et al.,	" 4785
Virginia E. Walker, et al.,	" 4793
William F. Dent, et al.,	" 5419
Thomas J. Dent, et al.,	" 4788
Charles R. Dent,	" 4789
Augusta Dent,	" 4790
Louis Dent,	" 4794

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

Irene V. Miller-2

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Clapp, William M. Davis, Laura Allain, Irene V. Miller, Emily Miller, Maude E. Stevens, Marguerite Stevens, William M. Stevens, Thomas H. Davis, Mamie Davis, Joseph Davis, Marguerite Davis, George Davis, Thomas Davis, Foma Davis, Virginia E. Walker, Livingston W. Irving, William F. Dent, Virginia F. Dent, Thomas J. Dent, Charlie Dent, Selma Dent, Robert Dent, Charles E. Dent, Augusta Dent and Louis Dent 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 said applications on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

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

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

REFERRED IN REPLY TO THE FOLLOWING

M C R 4787

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

Muskogee, Indian Territory, October 29, 1902.

Irene V. Miller,  
Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 17th 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 Mary Clapp, et al., of which decision you were advised by registered mail on the 27th day of August, 1902.

Respectfully,

Acting Chairman.

#11  
No. 1000  
For Identification as a Mississippi Choctaw.

Meridian, Miss.

Date FEB 11 1902

Name Irene V. Miller

Age 28 Blood 1/16  
#1210 - 26 Ave.

Post Office, Meridian, Miss.

Father: William M. Davis L

Mother: Lina " L

Claims through father  
husband

James H. Miller L  
No claim for husband.

Children:

Emily Miller 3

L. A. Niles



478

INDIA  
POSTAGE

Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.



*Unclassified  
Return to origin*

*Irene V. Mc...  
[Signature]*

1762

*[Handwritten scribble]*

4487



10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

DEC



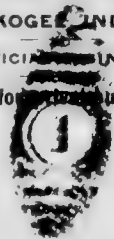
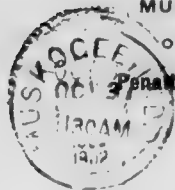
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE IND. TER.

OFFICIAL BUSINESS.

Penalty for non-use, \$300.



Irene W. Miller,  
~~Meridian,~~

Mississippi.

Choctaw MCR 4788

Thomas J. Dent

See MCR 5432

MCR 4788

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 14th, 1902.

In the matter of the application of Thomas J. Dent for the identification of himself and three minor children, Charlie, Selma, and Robert, as Mississippi Choctaws.

APPEARANCES; S. A. Beadle, Attorney for applicant,  
A. W. Jones, Agent for applicant.

Said Thomas J. Dent, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Thomas J. Dent.  
Q How old are you? A Thirty-five.  
Q How much Choctaw blood do you claim to have? A One-eighth.  
Q What's your postoffice address? A Natchez, Mississippi.  
Q Have you a local address? A A No sir, in general delivery.  
Q How long have you lived in Natchez? A All my life.  
Q Is your father living? A No sir.  
Q What was his name? A Augustus Dent.  
Q Is your mother living? A Yes sir.  
Q What's her name? A Lizzie Dent.  
Q Through which one of your parents do you get your Choctaw blood?  
A Through my father.  
Q How long has he been dead? A Thirty years.  
Q About how old was he when he died? A I don't know exactly-but I think I have heard that he was thirty-four or thirty-five years old, he died in 1838.  
Q Where was he born? A In Adams County, in Washington.  
Q Is Natchez in that County? A Yes sir, about six miles apart.  
Q Did your father live there in that County all his life? A Yes sir.  
Q How much Choctaw blood do you claim he had? A Quarter.  
Q Were your father and mother lawfully married? A Yes sir.  
Q How long did they live together as man and wife? A I don't know I couldn't tell.  
Q Until he died? A Yes sir, until he died.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of your father and mother for use in connection with your application.

- A I am not positive that they were married. I was so young when he died that I don't remember much about it. I prefer to say that I don't know whether they were lawfully married or not.  
Q Do you know whether they ever lived together as man and wife?  
A Yes sir, I know that.  
Q How many children were born to them? A Three boys.  
Q Through which one of his parents did your father get his Choctaw blood? A Through his father.  
Q What was his name? A Thomas Jefferson Dent.  
Q What relation are you to the applicant Thomas H. Davis who appeared before the Commission today? A He's my first cousin.

- Q His mother and your father are brothers and sisters? A Yes sir.
- Q Full brother and sister? A Yes sir.
- Q How much Choctaw blood did Thomas J. Dent, your grandfather, have?
- A I don't know but I have always heard that he was at least half Indian-half Choctaw.
- Q Did you ever see him? A No sir.
- Q Do you know where he lived during his life time? A Yes sir, I know where they always told me he lived.
- Q Where? A In Washington, Adams County, Mississippi.
- Q Did he live there all his life? A Yes sir, I understand so.
- Q Were Thomas J. Dent and your father's mother lawfully married?
- A Not that I know of.
- Q Do you know how long they lived together as man and wife, if at all? A No sir, I don't know how long but I know they lived together as man and wife.
- Q Do you know how many children were born to them? A No sir, I don't know exactly.
- Q About how many? A About seven or eight, I think.
- Q What was the name of your father's mother? A Jane Dent.
- Q Did she have any Choctaw blood? A Not as I know of.
- Q Do you know the name of the father of Thomas Jefferson Dent?
- A No sir.
- Q And of his mother? A No sir, never heard.
- Q So far as you know, all of your Choctaw ancestors have always lived there in Adams County, Mississippi? A Yes sir, so far as I know.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q Have you been married more than once? A No sir.
- Q What's your wife's name? A Stella.
- Q Has she any Choctaw blood? A Not that I know of.
- Q You make no claim for her, then? A No sir.
- Q How many children have you living? A Three.
- Q What are their names? A Charlie.
- Q How old? A Twelve years old.
- Q Next one? A Selma.
- Q How old? A Nine.
- Q Next one? A Robert.
- Q How old? A Five.
- Q Are these children all living with you at this time? A Yes sir.
- Q Are they all the children of yourself and Stella Dent? A Yes sir.
- Q Were you married to her under a license? A Yes sir.
- Q When? A In 1899.

Certified copy of the marriage bond, license and certificate of Thomas J. Dent and Stella R. Wood is offered in evidence, identified as Exhibit-A, filed and made a part of the records in this case.

- Q This application is for yourself and three minor children, is that correct? A Yes sir.
- Q Is your name or the name of anyone of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I shouldn't think so.

- Q Has any application of any description ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes sir, I think I do.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions of ever receive any benefits under that article? A Not that I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A Not that I know of.
- Q Did any of them, in fact, live here at that time? A Yes sir.
- Q What one of your Choctaw ancestors lived here at that time? A My grandfather.
- Q What was his name? A Thomas Jefferson Dent.
- Q Where did he live at that time? A Washington, Adams County, Mississippi.
- Q What makes you think he lived here at that particular time? A I have always heard so-
- Q Do you know how old he would be if he were living now? A No sir, I don't know.
- Q Did any of your ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1830 and 1838? A Not to my knowledge.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.
- Q Did any of them ever get any land here in Mississippi from the Government under any other article of the treaty or under the supplement thereto? A No sir.
- Q Did any of them ever get any money, to your knowledge? A No sir.
- Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.
- Q You have heard the explanation as to the causes which brought about certain acts of Congress between the years 1837 and 1842, for the purpose of hearing Choctaw claims under article 14 of the treaty of Dancing Rabbit Creek, have you not? A Yes sir.
- Q Did any of your ancestors appear before any one of the Commissioners appointed under these acts of Congress and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not to my knowledge.
- Q Did any of them ever get any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A I think not.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing



Thomas J. Dent et al--4

Rabbit Creek or ever received any benefits under that article? A No sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir, I don't.

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

Q Have you any witnesses here today? A Yes sir.

Q What are their names? A Mr. Samuel Winston and Mr. John B. Hays.

Q They are the same two witnesses who testified in the case of your cousin William W. Davis, are they? A Yes sir.

Their testimony will be considered in the determination of your application.

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear before us here tomorrow or within a reasonable time at Muskogee, Indian Territory, and their testimony will be taken.

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

Q How many brothers have you living? A One.

Q What's his name? A Charles Dent.

Q He is here before the Commission at this time? A Yes sir.

Q Have you any sisters living? A Yes sir.

Q How many? A One.

Q What's her name? A Augusta Dent.

Q She isn't married? A No sir.

Q Is she here before the Commission at this time? A Yes sir.

Q Are they your full brother and sister? A Yes sir.

Q Have you any half brothers or sisters living? A No sir.

Q Did your father ever have a sister by the name of Margaret? A Yes sir.

Q Who did she marry? A Allen Davis.

Examination by Mr. Beadle:

Q What did you say that your mother and father were named? A My father was named Augustus Dent and my mother's name was Lizzie Dent.

Q Do you, or not, know whether they were lawfully married? A No sir, I do not know.

Q State, if you know, how long they lived together as husband and wife? A They must have lived together, to the best of my belief, ten years.

Q Were the children that you name here, yourself and your brother and sister, born to them during that time? A Yes sir.

Q Did they live with each other until they died? A Yes sir.

Q Who died first? A My father died first.

Q Then you lived with your father until he died? A Yes sir.

Q So your father and mother lived together as husband and wife and had three children born to them during that time? A Yes sir.

Q Were they recognized in the community to be husband and wife?

A I don't know-I was so young at that time.

Commission:

Q Did your father have any other wife during that time? A No sir, not to my knowledge.

Thomas J. Dent et al--5

This applicant has a dark, copper colored skin-black hair, which is almost straight-dark eyes-he is apparently possessed of negro, white and Indian blood -he does not speak or understand the Choctaw language.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 14th, 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 15th day of March, 1902, at Seale, Mississippi.

*L. B. Maxwell*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By

*W. H. Smith*

Deputy.

M.C.R. 4788.

Muskogee, Indian Territory, August 23, 1902.

Thos. J. Dent,

Natchez, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th inst., in which you ask to be informed if the Commission has made report to the Secretary of the Interior of the result in any of the cases investigated at Meridian, Mississippi.

In reply, you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor children as Mississippi Choctaws, having submitted such application at the office of the Commission at Meridian, Mississippi, on February 14, 1902.

Your case has been consolidated and will be considered with the case of Mary Clapp and certain other persons, applicants to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor, Thomas Jefferson Dent, who it is alleged derived his Choctaw blood from a full blood Choctaw Indian woman, name unknown, who married a man by the

T J D 2

name of \_\_\_\_\_ Dent.

No decision has been reached nor opinion rendered relative to the right of these persons to be identified as Mississippi Choctaws, but the Commission is now considering the several applications of these persons and it is probable a decision will be rendered in the near future. They will be duly notified of such decision, and of the forwarding of the record to the Secretary of the Interior for review.

The Commission cannot advise you the result of its investigations in the number of cases of applicants for identification as Mississippi Choctaws heard at its Meridian, Mississippi, office; but if you will inform the Commission of any particular case in which you are interested, the Commission will give you any proper information concerning the same.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, August 27, 1902.

Thomas J. Dent,  
Natchez, Mississippi.

Dear Sir:

You are hereby advised that on the 25th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Clapp, et al., embracing the following applications for identification as Mississippi Cheaters:

Mary Clapp,	M.C.R. 5432
William H. Davis,	" 4791
Laura Allain,	" 4786
Irene V. Miller, et al.,	" 4787
Maud R. Stevens, et al.,	" 5341
Thomas H. Davis, et al.,	" 4785
Virginia E. Walker, et al.,	" 4783
William F. Dent, et al.,	" 5419
Thomas J. Dent, et al.,	" 4788
Charles H. Dent,	" 4789
Augusta Dent,	" 4790
Louis Dent,	" 4794

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 493), which is as follows:

Thomas J. Dent-2

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

Said decision concludes as follows:

"It is therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of any Clay, William A. Davis, Laura Allain, Irene V. Miller, Billy Miller, David A. Stevens, Marguerite Stevens, William A. Stevens, Thomas A. Davis, Anne Davis, Joseph Davis, Marguerite Davis, George Davis, Thomas Davis, Norma Davis, Virginia L. Miller, Livingston W. Irving, William F. Dent, Virginia F. Dent, Thomas J. Dent, Charlie Dent, John Dent, Robert Dent, Charles F. Dent, Augusta Dent, and Louis Dent as Choctaw Indians entitled to rights in Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for such identification as such should be refused, and it is so ordered.

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

Yours truly,

Acting Chairman.

cc: [redacted]

Muskogee, Indian Territory, October 29, 1902.

Thomas J. Bent,  
Natchez, Mississippi.

Dear Sir:

You are hereby advised that on the 19th 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 Mary Clapp, et al., of which decision you were advised by regist red mail on the 27th day of August, 1902.

Respectfully,

Acting Chairman.

2788

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES one copy of the testimony of Thomas J. Dent in the matter of his application for the identification of himself and his minor children as Mississippi Choctaws.

Muskogee, I. T., June 2, 1902.

A. W. Jones



For Identification as a Mississippi-Choctaw.  
Meridian Miss.

Date FEB 11 1902  
Name Thomas J. Dent

Age 35 Blood 1/8

Post Office, Natchez, Miss.

Father: Augustus Dent. (1/4) S

Mother: Lizzie " S

Claims through father  
wife Stella Dent. S

No claim for wife.

(Claim v. ... dis)

Children:

Charlie	Dent	17
Selma	"	9
Robert	"	5

Stenographer

J. S. Niles

Choctaw MCR 4789

Charles R. Dent

See MCR 5432

MCR 4789

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 14th, 1902.

In the matter of the application of Charles R. Dent for  
the identification of himself alone as a Mississippi Choctaw.

APPEARANCES: S.A. Beadle, Attorney for applicant,  
A.W. Jones, Agent for applicant.

Said Charles R. Dent, being first duly sworn, testified as  
follows:-

Examination by the Commission.

- Q What's your name? A Charles R. Dent.  
Q How old are you? A Thirty-three.  
Q How much Choctaw blood have you? A I claim one-eighth.  
Q What's your postoffice address? A Natchez, Mississippi.  
Q How long have you lived at Natchez? A All my life. I have  
lived in Adams County, Mississippi, all my life.  
Q Is your father living? A No sir.  
Q What was his name? A Augustus Dent.  
Q Is your mother living? A She is.  
Q What's her name? A Lizzie Dent.  
Q Through which one of your parents did you get your Choctaw blood?  
A Through my father.  
Q How much Choctaw blood did he have? A He claimed one quarter.  
Q Where was he born? A Born in Adams County, Mississippi-Washing-  
ton, so I am told.  
Q Did he live there all his life? A So I'm told.  
Q How old would he be if he were living now? A I suppose he would  
be sixty years old or about that. He might be older than that-I cou-  
ldn't give a definite age.  
Q Were he and your mother lawfully married? A They were not-in  
that time my mother has colored blood in her veins-and in that  
time the law didn't provide any marriage certificate for colored  
people.  
Q Did your father have any colored blood? A If he did I don't  
know-it though he passed for a colored man-he went with them.  
Q Did they ever live together as husband and wife? A My father  
died when I was an infant but I was told that they lived together  
as man and wife. My mother was recognized as Mrs. Dent and we all  
took our names from that and he made support and provided for us  
even after his death-willed what he had to us.  
Q Do you know how long they lived together as husband and wife?  
A My father married her when he was about thirty years old and I  
suppose, from my brother's age-he was five years old at his death,  
or between five and six-they must have lived together about five  
or six years in all.  
Q Your father didn't have an other wife during that time, did he?  
A None that I ever heard of.  
Q Through which one of his parents did he get his Choctaw blood?  
A Through his father.  
Q What was his name? A Thomas Jefferson Dent.  
Q Did you ever see him? A No sir.  
Q Are you a full brother of Thomas J. Dent who appeared before the  
Commission here today? A Yes sir.

Charles R. Dent--2

- Q What relation are you to William L. Davis? A Just cousin.
- Q Your father and his mother were full brother and sister? A Yes sir.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What's her name? A Eliza L. Dent.
- Q Do you make any claim for her? A No sir, I do not.
- Q Have you any children living? A No sir.
- Q This application, then, is for yourself only is it? A Yes sir.
- Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- Q Has any application of any description ever been made for you before today for the purpose of establishing your rights as a Choctaw Indian? 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 article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article or ever receive any benefits thereunder? A None that I know of.
- Q Did any of them own an improvement in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not that I know of.
- Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1832 and 1838? A No sir, not that I know of.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not that I know of.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.
- Q Did any of them ever get any land from the Government under any other provision of that treaty? A No sir, not that I know of.
- Q Did any of them ever get any money from the Government? A Not that I know of.
- Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.
- Q You heard the explanation as to the causes which brought about certain acts of Congress between the years 1837 and 1842 and as to their provisions, did you not? A Yes sir.
- Q Did any of your ancestors appear before any of the Commissioners appointed under these acts of Congress and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A None that I know of.
- Q Did any of them ever get any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A No sir, not that I know of.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the

Charles R. Dent--3

provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, none that I know of.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A I do not.

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

Q Have you any witnesses here today? A Only these that have testified in the case of the Davis brothers.

Their testimony will be considered in the determination of your application.

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear here tomorrow or within a reasonable time at Muskogee, Indian Territory, and their testimony will be taken.

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

Q Do you speak or understand the Choctaw language? A No sir, I don't.

This applicant has dark hair, dark eyes and red mustache- his features and color would indicate that he is possessed principally of white blood- he shows no indications of being possessed of Indian blood and does not speak or understand the Choctaw language.

-----  
John B. Hays, being first duly sworn, testified as follows:-

Examination by the Commission.

Q What's your name? A John B. Hays.

Q How old are you? A Fifty-three.

Q What's your postoffice address? A Natchez, Adams County, Mississippi.

Q How long have you lived in that County? A All my life.

Q Are you acquainted with the applicants Charles R. Dent and Thomas J. Dent? A Yes sir.

Q What relation are they? A Brothers.

Q Have they a sister here today? A Yes sir.

Q What's her name? A Augusta Dent.

Q They are all full brothers and sisters? A Yes sir.

Q Were you acquainted with their father? A Yes sir.

Q What was his name? A Gus Dent.

Q Where did he live during his life time? A He lived at Washington- he lived in Adams County.

Q Did he live in that County all his life? A Yes sir, I think so.

Q Are you the John B. Hays who testified here today in the William M. Davis case? A Yes sir.

Charles R. Dent--4

- Q What was the name of the father of Augustus Dent? A Thomas Jefferson Dent.
- Q Then Gus Dent, the father of this applicant, and Margaret Davis, the mother of William M. Davis, were full brother and sister? A Yes sir.
- Q Was Gus Dent ever married? A I suppose he was—he lived with these children's mother as man and wife.
- Q What was her name? A Lizzie Campbell—I think it was.
- Q Is she living now? A I don't know.
- Q She has no Choctaw blood, has she? A I don't know anything about that part of it.
- Q How long did Gus Dent live with her? A I really couldn't say.
- Q Give us an idea? A I couldn't say positive how long he did live with her.
- Q Give us an idea—how many years? A I haven't any idea.
- Q Was he ever married to this woman? A I suppose he was. I don't know of my own knowledge but they lived together as man and wife.
- Q How many children were born to them? A I know these three here today.

**Examination by Mr. Beadle:**

- Q Do you, or not, know whether these young people here, their father and mother were living together as husband and wife during the years 1867, 1868 and 1869? A Yes sir, they were.
- Q You state as a fact that they were living together as man and wife then? A Yes sir.

**Examination by the Commission:**

- Q You remember distinctly, do you, that they were living together during those years as man and wife? A Yes sir.
- Q When did he die? A I don't know exactly when he died.
- Q Was it before '70 or after? A I believe it was after '70.
- Q How long after '70? A I couldn't state.

The witness is a white man of average intelligence.

-----

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, February 14th, 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 13th day of March, 1902, at Seale, Mississippi.

*[Signature]*  
Clerk U.S. Circuit Court, Southern District of Mississippi.

By *[Signature]* Deputy.

Muskogee, Indian Territory, August 27, 1902.

Charles R. Dent,  
Natchez, Mississippi.

Dear Sir:

You are hereby advised that on the 27th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Clapp, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Clapp,	M.C.R. 5438
William M. Davis,	" 4791
Laura Allain,	" 4786
Irene V. Miller, et al.,	" 4787
Maud R. Stevens, et al.,	" 5341
Thomas H. Davis, et al.,	" 4785
Virginia E. Walker, et al.,	" 4793
William F. Dent, et al.,	" 5419
Thomas J. Dent, et al.,	" 4783
Charles R. Dent,	" 4789
Augusta Dent,	" 4790
Louis Dent,	" 4794

These applications were made under the provision of the act of Congress of June 28, 1902 (30 Stat., 495), which is as follows:

Charles R. Dent-2

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Clapp, William M. Davis, Laura Allain, Irene V. Miller, Emily Miller, Waud R. Stevens, Marguerite Stevens, William W. Stevens, Thomas M. Davis, Marie Davis, Joseph Davis, Marguerite Davis, George Davis, Thomas Davis, Norma Davis, Virginia M. Walker, Edwin Starr L. Irving, William M. Dent, Virginia M. Dent, Thomas J. Dent, Charlie Dent, Selma Dent, Robert Dent, Charles L. Dent, Robert Dent and Louis Dent as Choctaw Indians entitled to lands in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and their applications for their individual lands 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 of the time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.



Muskogee, Indian Territory, October 29, 1902.

Charles E. Bent,  
Natchez, Mississippi.

Dear Sir:

You are hereby advised that on the 17th 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 Mary Clapp, et al., of which decision you were advised by registered mail on the 27th day of August, 1902.

Respectfully,

Acting Chairman.

#1800

No.

2150

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date FEB 11 1902

Name Charles R. Dent.

Age 33 Blood 1/8

Post Office, Natchez, Miss.

Father: Augustus Dent. M

Mother: Lizzie " F

Claims through father.  
wife Eliza L. Dent. S  
No claim for wife.

(Name of)

Children:

Stenographer

J. S. Hills

Choctaw MCR 4790

Augusta Dent

See MCR 5432

MCR 4790

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 14th, 1902.

In the matter of the application of Augusta Dent for the identification of herself alone as a Mississippi Choctaw.

APPEARANCES: S.A. Beadle, Attorney for applicant,  
A.W. Jones, Agent for applicant.

Said Augusta Dent, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Augusta Dent.  
Q How old are you? A Twenty-nine.  
Q How much Choctaw blood have you? A One-eighth.  
Q What's your postoffice address? A Washington, Adams County, Mississippi.  
Q How long have you lived in Adams County? A All my life-I was born there.  
Q Is your father living? A No sir.  
Q What was his name? A Augustus Dent.  
Q Is your mother living? A Yes sir.  
Q What's her name? A Lizzie Dent.  
Q Through which one of your parents did you get your Choctaw blood? A My father.  
Q Through which one of his parents did he get his Choctaw blood? A His father.  
Q What was his name? A Thomas Jefferson Dent.  
Q What relation are you to the applicant Charles R. Dent who just appeared before the Commission? A I am his sister.  
Q Full sister? A Yes sir.  
Q Are you married? A No sir.  
Q This application, then, is for yourself only, is it? A Yes sir.  
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir, not that I know of.  
Q Has any application of any description ever been made before today for you to establish your rights as a Choctaw Indian? 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 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not that I know of.  
Q Did any of your ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I think not.  
Q Did any of them live here in the old Choctaw Nation at the time the treaty was made? A I suppose so.  
Q Where? A At Washington-that's where my grandfather lived.  
Q What was his name? A Thomas Jefferson Dent.  
Q Did he live here in Mississippi all his life? A Yes sir.  
Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater

portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not that I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I think not.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek or under any other article of ~~the~~ that treaty? A No sir.

Q So far as you know, then, none of your ancestors ever received any land here in Mississippi from the Government? A No sir.

Q Did any of them ever receive any money from the Government, to your knowledge? A No sir.

Q You have heard the explanation as to the passage of certain acts of Congress between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed rights in the Choctaw lands under this 14th article? A Yes sir.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I think not.

Q Did any of them ever get any scrip from the Government of the United States under the act of Congress approved August 23, 1842?

A No sir.

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

Q Do you know of any written evidence of any description in existence which would prove or tend to prove such a state of facts?

A No sir.

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

Q Have you any witnesses here today to testify in your case?

A Two have already testified in the Davis cases.

Q The two witnesses who have testified in behalf of William M. Davis? A Yes sir.

Q What relation is William M. Davis to you? A Cousin.

Q Your father and his mother were brother and sister? A Yes sir.

The testimony of these two witnesses will be considered in your case.

Q You have no ~~kk~~ other witnesses here today? A No sir.

Q Have you any further statements to make at this time? A No sir.

This applicant has black, straight hair-dark eyes-and her skin is a copper hue-she has none of the features of an Indian-does not speak or understand the Choctaw language.

-----  
Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian,

Augusta Dent--3

Mississippi, February 14th, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Augusta Dent*

Subscribed and sworn to before me this the 13th day of March, 1902,  
at Seale, Mississippi.

*L. B. Moseley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By

*M. M. M.*

Deputy.

Kuskosee, Indian Territory, August 27, 1902.

Augusta Dent,  
Washington, Indian Territory.

Dear Madam:

You are hereby advised that on the 27th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Clapp, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Clapp,	M.C.R. 5432
William H. Davis,	" 4791
Laura Allain,	" 4786
Irene K. Miller, et al.,	" 4797
Maud R. Stevens, et al.,	" 5341
Thomas H. Davis, et al.,	" 4785
Virginia B. Walker, et al.,	" 4783
William F. Dent, et al.,	" 5419
Thomas J. Dent, et al.,	" 4788
Charles R. Dent,	" 4789
Augusta Dent,	" 4790
Louis Dent,	" 4794

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

Augusta Dent-2

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

Said decision concludes as follows:

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Clark, William M. Davis, Laura Allain, Irene V. Miller, Emily Miller, Maud B. Stevens, Marguerite Stevens, William M. Stevens, Thomas H. Davis, Marie Davis, Joseph Davis, Marguerite Davis, George Davis, Thomas Davis, Norma Davis, Virginia B. Walker, Livingston W. Irving, William H. Dent, Virginia F. Dent, Thomas F. Dent, Charlie Dent, Selma Dent, Robert Dent, Charles R. Dent, Augusta Dent and Louis Dent as Choctaw Indians, and that their applications for Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that their applications for said lands 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 approval. It is further advised that such action as may be taken by him.

Yours truly,

Acting Secretary.

August 1911.



Muskogee, Indian Territory, October 29, 1902.

August Dent,  
Washington, Mississippi.

Dear Madam:

You are hereby advised that on the 17th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification a Mississippi Choctaws of the several persons included in the consolidated case of Mary Clapp, et al., of which decision you were advised by registered mail on the 27th day of August, 1902.

Respectfully,

Acting Chairman.

#18

No. 203

For Identification as a Mississippi Choctaw.  
Meridian Miss.

Date FEB 11 1902

Name Augusta Dent.

Age 29 Blood 1/8

Post Office, Washington, Miss.

Father: Augustus Dent D

Mother: Lizzie Dent L

Claims through Father.

Claimed for...

Children:

Stenographer

J. S. Miles

Choctaw MCR 4791

William M. Davis

See MCR 5432

MCR 4791

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 14th, 1902.

In the matter of the application of William M. Davis for the identification of himself alone as a Mississippi Choctaw.

APPEARANCES; S.A. Beadle, Attorney for applicant,  
A.W. Jones, Agent for applicant.

Said William M. Davis, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A William M. Davis.  
Q How old are you? A Fifty-one.  
Q How much Choctaw blood have you? A About one-eighth I reckon.  
Q What's your postoffice address? A Natchez, Mississippi.  
Q Any street address? A #613 State Street.  
Q What other blood have you besides Indian blood? A That corners me.  
Q What was your mother? A Her father was half Indian.  
Q What was the other half? A I couldn't say anything about that.  
Q Your father was a white man? A Yes sir.  
Q What was his name? A Allen Davis.  
Q Is he living? A No sir, he died in '60.  
Q What was your mother's name? A Margaret Davis.  
Q Is she living? A No sir, she's dead.  
Q You get your Indian blood solely through her then? A Yes sir.  
Q How old was she when she died? A I think she was fifty-one.  
Q Through which one of her parents did she get her Choctaw blood?  
Q From her father.  
Q What was her father's name? A Thos. J. Dent.  
Q How much Choctaw blood did he have? A He must have had half-I couldn't say he had a whole.  
Q How long has he been dead? A He died in '63.  
Q How old was he when he died? A I couldn't say-I don't know his age.  
Q Can you give us an idea about how old he was at that time? A I suppose he must have been on the sixties then.  
Q You claim he was a half blood Choctaw? A Yes sir.  
Q What did you say the balance of his blood was-was it colored?  
A I am not certain whether it was white or colored.  
Q Did your mother's mother have any Choctaw blood? A I don't know.  
Q What was she? A She was taken for colored. She might have been white for all I know.  
Q Did you know your grandfather, Thomas J. Dent's father and mother? A No sir.  
Q You don't know anything about them? A No sir.  
Q You don't know their names? A No.  
Q Where did Thomas J. Dent live during his life time? A In Washington, Adams County.  
Q This State? A Yes sir.  
Q Was he born there? A I think so.  
Q Did he live there all his life, do you know? A I believe so-as far as I know.

William M. Davis--2

- Q Where was your mother born? A Right in Washington.
- Q Did she live there all her life? A No, moved to Natchez, Mississippi, when I was nine years old.
- Q Did she live there during the remainder of her life? A Her family did but she visited Missouri and during the war she was in Shreveport.
- Q But you have lived there ever since then? A All my life.
- Q Are you married? A No, my wife's dead.
- Q You have some children living? A Yes sir.
- Q Were you married more than once? A Twice.
- Q Children by both wives? A No sir, by the first wife.
- Q What was your first wife's name? A Sina Surgett.
- Q Did she have any Choctaw blood? A Not that I know of.
- Q Were you married to her under a license? A Yes.
- Q When? A I don't know exactly the year but long in the seventies I believe.
- Q Where were you married to her? A In Natchez.
- Q Mississippi? A Yes sir. I began living with my wife Sina when I was a minor and couldn't at that time procure a license. We lived together as husband and wife until the 21st day of October, '74, when I was married to her under a license.
- Q How many children did you have born to you before your marriage? A Two.
- Q What are their names? A Rena Miller and Laura Miller.
- Q You were married to their mother under a license after their birth? A Yes sir, it was my intention all along to marry her but it was because I wasn't of age-that was one reason, but after a while it was because I didn't have the money and wasn't able to get married.
- Q Did you maintain and support her and these children during that period of time-from the time of the birth of the first one? A I wasn't able to do it myself-I did what I could.
- Q You didn't then, in fact, during that time live constantly with her as husband and wife? A No, I couldn't say I did.
- Q Is there any further statement you desire to make in regard to your marriage? A No sir, that's all I can say.
- Q Some of your children are here today for the purpose of making application? A Two of them.

In connection with any application which may be made by your children, it will be necessary to prove your marriage to their mother and if you have the license and certificate with you at this time that will be the best evidence of it.

Certified copy of marriage license and certificate of William Minor Davis and Sina Surgett is offered in evidence, identified as Exhibit-A, filed and made a part of the records in this case.

- Q This application, then, is for yourself only? A Yes sir.
- Q You have no children under age? A No sir.
- Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.

William M. Davis--3

Q Has any application ever been made for you prior to this time for the purpose of establishing your rights as a Choctaw Indian? A Never.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, I've never read it.

This treaty was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi instead of moving out west to the new Nation, might receive land here in Mississippi from the Government. That 14th article is as follows:-

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

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek-do you think you understand it clearly? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not that I ever remember-I never heard of it before until here lately

Q If any of the ever did, you don't know of it? A No sir.

William M. Davis--4

- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not that I know of.
- Q Did any of them live here at that time? A Not that I know of.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know-I never heard.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified, let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I never heard anyone say.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I think not.
- Q Or under any other provision of that treaty? A No sir.
- Q Have any of your ancestors ever received any benefits whatever then, as Choctaw Indians, that you ever heard of? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years ~~1837~~ 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here at different times between '37 and '45 and heard a great number of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I couldn't say-I don't know-I never heard.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should

be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A I never heard, them say anything about that at all.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I do not.

Q Do you know of the existence of any written evidence, any testimony, which would prove or tend to prove such a state of facts? A No sir.

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

Q Have you any witnesses here today in your case? A Yes sir.

Q How many? A Two.

Q What are their names? A Sam Winston and John B. Hays.

Q What do you expect to prove by these witnesses? A They knew my parents--my grandfather and grandmother.

Q Is that all that they know about the case? A Yes sir.

Q Do they know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?

A I don't know.

Q Do you know whether they know or not? A No sir, I don't.

If you should find any other witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at Muskogee, Indian Territory, and their testimony will be taken.

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

Q How many children have you living? A Three.

Q What are their names? A The oldest is Laura L. Allaine.

Q Next one? A Irene V. Miller.

Q Next one? A Margaret R. Stephens.

Q Where do these children live? A The oldest lives in Baton Rouge Louisiana.

Q Next one? A The next one is living in Meridian.

Q Next one? A Natchez, Mississippi.

Q Have any of them been before the Commission? A No sir, I don't think they have.

Q Have you any brothers or sisters living? A One brother and ~~two~~ <sup>one</sup> sisters.

Q What's your brother's name? A Thomas H. Davis.

Q He's present here now? A Yes sir.

Q Is he a full brother? A Yes sir.

Q What's the name of your sister? A Virginia E. Walker.



William M. Davis--6

- Q Where does she live? A In Natchez, Mississippi.  
Q Is she here today? A No sir, she will be here tomorrow.  
Q Have you any children dead who left children? A No sir.  
Q Have you any brothers dead-full brothers? A One brother.  
Q Did he leave descendants? A He did not.  
Q Have you any full sisters dead? A One sister.  
Q Did she leave descendants? A No sir-she had one child but that daughter died before she died.  
Q This sister of yours that is living is a full sister, is she?  
A Yes sir.  
Q Are any of your mother's brothers or sisters living? A Yes, two brothers.  
Q What are their names? A John Dent and the other William Dent.  
Q Where do they live? A I don't know- roam round somewhere.  
Q Are they full brothers of your mother? A Yes sir.  
Q Are any of your mother's sisters living? A One sister.  
Q What's her name? A Mary.  
Q Mary what? A Mary Clapp.  
Q Where does she live? A In Natchez.  
Q Has she ever been here? A No sir.  
Q Has your mother any brothers dead? A Yes sir, three dead.  
Q Did any of them leave descendants? A Yes, two of them did.  
Q What's the name of the oldest one who left descendants? A Augustus Dent.  
Q How many of his children are living? A Three.  
Q What are their names? A Tom Dent, Charles Dent and Augusta Dent.  
Q They are here before the Commission, are they? A Yes sir.  
Q Their father was a full brother of your mother? A Yes sir.  
Q What's the name of your mother's other brother who left descendants? A Albert Dent.  
Q How many of his descendants are living now? A He has one son and one daughter.  
Q What's the name of the son? A Lewis Dent.  
Q Has he been before the Commission? A No sir.  
Q What's the name of the daughter? A I think her name is Irene Dent.  
Q Is she married? A I don't know.  
Q Where does she live? A Lives in New Orleans.  
Q Has your mother any sisters dead? A She has two dead.  
Q Did either of them leave descendants? A One.  
Q What was the name of the one who left descendants? A Martha Dent.  
Q What was her married name? A Martha Winston, I think.  
Q How many children did she have? A Two.  
Q Are they living now? A One is living.  
Q Did the other one leave descendants? A The oldest one is dead and she left three or four children.  
Q Do you know the names of those children? A I don't-they've been away a long time.  
Q What's the name of the living daughter of your mother's sister?  
A Lizzie Winston.  
Q Is she married? A No sir.  
Q Where does she live? A In St. Louis, Missouri.  
Q Has she been before the Commission? A No sir.  
Q Are any of the brothers or sisters of Thomas J. Dent living?  
A I don't know-I don't know anything about that at all.

William M. Davis --7

Q You don't know whether he ever had any brothers or sisters? A No sir.

Examination by Mr. Beadle:

Q How old was your grandfather Thomas Dent when he died? A I don't know-I believe he must have been fifty or sixty years old-he died in '63.

Q Did he always live in Washington and Adams Counties, Mississippi?

A Always in Adams County.

Q Was he living there 72 years ago when this treaty was made?

A Yes.

Q By the Commission:

Q You would not mean to swear positively that your grandfather was in Adams County 72 years ago, could you? A Take my mother's age I would say yes, cause they were living there.

Q You don't know of your own knowledge that they were? A No, that's what I heard them say.

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

Q Did Thomas J. Dent? A He could talk it-I have heard him myself.

This applicant shows no indications of being possessed of Indian blood-has none of the features of an Indian-his personal appearance would indicate that white blood largely predominates-he does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 14th, 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 12th day of March, 1902, at Seale, Mississippi.

*S. B. [Signature]*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

by

*[Signature]*  
Deputy.

Muskogee, Indian Territory, August 27, 1902.

William M. Davis,  
Natchez, Mississippi.

Dear Sir:

You are hereby advised that on the 27th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Clapp, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Clapp,	M.C.R. 5432
William M. Davis,	" 4791
Laura Allain,	" 4786
Irene V. Miller, et al.,	" 4787
Maud R. Stevens, et al.,	" 5341
Thomas H. Davis, et al.,	" 4785
Virginia R. Walker, et al.,	" 4793
William F. Dent, et al.,	" 5419
Thomas J. Dent, et al.,	" 4788
Charles R. Dent,	" 4789
Augusta Dent,	" 4790
Louis Dent,	" 4794

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

William M. Davis-2

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Clapp, William M. Davis, Laura Allen, Irene V. Miller, Emily Miller, Paul F. Stevens, Marguerite Stevens, William M. Stevens, Thomas H. Davis, Marie Davis, Joseph Davis, Marguerite Davis, George Davis, Thomas Davis, Norma Davis, Virginia E. Waller, Livingston W. Irving, William F. Dent, Virginia F. Dent, Thomas J. Dent, Charlie Dent, Selma Dent, Robert Dent, Charles R. Dent, Augusta Dent and Louis Dent as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

Acting Chairman.

Registered.

M C R 4791

Muskogee, Indian Territory, October 29, 1902.

William L. Davis,  
Natchez, Mississippi.

Dear Sir:

You are hereby advised that on the 17th 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 Mary Clapp, et al., of which decision you were advised by registered mail on the 27th day of August, 1902.

Respectfully,

Acting Chairman.

For Identification as a Mississippi Choctaw.  
Meridian Miss. FEB 11 1902

Date

Name William M. Davis

Age 51

Blood 1/8  
1/32 Black 1/32

Post Office: Natchez, Miss.

Father: Allen Davis d

Mother: Margaret " " d

Claims through mother

6

Children:

Stenographer

J. S. Miles

Choctaw MCR 4792

Billy Robison

See MCR 4784

MCR 4792

DEPARTMENT OF THE INTERIOR,  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.  
 -----0-----

In the matter of the application of Billy Robison, et al.,  
 for identification as Mississippi Choctaws, consolidating the appli-  
 cations of:

Billy Robison, et al.,                   M C R 4792  
 Matthew Stallings, et al.,           M C R 4784

List of papers forwarded to the Secretary of the  
 Interior, comprising the record in the consolidated case  
 of Billy Robison, et al., M C R 4792.

	Page.
Original application of Billy Robison, et al., to the Dawes Commission for identification as Mississippi Choctaws.....	1
Marriage bond signed by William Robinson and William Stallings.....	8
Certified copy of marriage license of William Robinson and Minnie James.....	9
Certified copy of marriage license and bond of Wm. Robinson and Edy Holbrook.....	11
Original application of Matthew Stallings, et al., to the Dawes Commission for identification as Missis- sippi Choctaws.....	14
Certified copy of marriage bond signed by Matthew Stallings and Anderson Zuber.....	19
Certified copy of marriage license of Matthew Stallings and Sallie Zuber.....	20



	Page.
Certified copy of marriage bond signed by Matthew Stallings and Charles Rice, Jr.....	22
Certified copy of marriage license of Matthew Stallings and Mellie Rice.....	23
Joint affidavit of John Halbert and Burs Stallings.	25
Decision of the Commission refusing the application of Billy Robison, et al., for identification as Mississippi Choctaws.....	26

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 14th, 1902.

In the matter of the application of Billy Robison for the identification of himself and seven minor children, Matthew, Victoria, Annie, Billy Jr., Lucy A., Lewis and Mellie Robison, as Mississippi Choctaws.

Said Billy Robison, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Billy Robison.  
Q How old are you? A I reckon about fifty-five.  
Q How much Choctaw blood have you? A I don't know how much.  
Q What's your postoffice address? A I don't have no letters-I just put it at Starkville.  
Q How long have you lived in Oktibbeha County? A All my life.  
Q Is your father living? A I don't know whether he is or not.  
Q What was his name? A Charley.  
Q Did he ever have any other name? A I don't know anything about any other name.  
Q Is your mother living? A No sir, not as I know of.  
Q What was her name? A Peggy.  
Q What other name did Peggy have? A Peggy Stallings.  
Q When did you see your mother last-about how long ago? A I reckon its been about thirty odd years.  
Q You don't know whether she's dead or not? A I don't know-I know she was gone away before the war.  
Q How old was she at the time she lived here? A She was an old woman.  
Q Were you a slave? A Yes sir.  
Q Was she a slave? A yes sir.  
Q Did your father have any Choctaw blood? A I was so young, we didn't know anything about the Choctaw blood, only it was Indian.  
Q Did you ever see him? A Yes sir, I seen him-he was just an Indian-he wasn't no slavery like us.  
Q Was he a full blood Indian? A I don't know, sir-he didn't work in slavery like us.  
Q Did he look like a full blood Indian? A He looked just like those yonder (referring to the interpreter and another Indian in the court room).  
Q How much Choctaw blood did your mother have? A Half-she claimed to be half Indian.  
Q If your father was a full blood and your mother was a half, you would be three quarters wouldn't you? A I don't know, sir-I cant figure it.  
Q How old would your father be if he were living now? A I don't know anything about that.  
Q Do you know the name of either one of his parents? A No sir.  
Q Do you know the names of your mother's father and mother? A No sir, I don't know nothing at all about none of them.  
Q Was your mother born in Oktibbeha County? A I don't know where she was born-as far as I can remember back she come from Georgia when she was a little girl. I have seen her but I wasn't with her very long-I was off with other owners and she was at another place. I would visit her when my master would allow me to visit her.

Billy Robison et al--2

- Q What relation are you to Matthew Stallings who just appeared before the Commission? A We claim to be brothers.
- Q Full brothers? A Yes sir.
- Q Are you married? A Yes sir.
- Q How many times have you been married? A Three times.
- Q How many of your wives are living now? A One that I've got now.
- Q What's her name? A Minerva.
- Q Has she any Choctaw blood? A No sir.
- Q You make no claim for her? A No sir.
- Q Have you any children living by the present wife? A Yes sir.
- Q How many? A Seven minor children.
- Q What are their names and ages? A Matthew.
- Q How old is he? A He's about sixteen.
- Q Next one? A Victoria.
- Q How old is she? A About fourteen or fifteen.
- Q Next one? A Annie.
- Q How old? A About eleven or twelve.
- Q Next one? A Billy Jr.
- Q How old is he? A About seven or eight.
- Q Next one? A Lucy A.
- Q How old? A About six or seven.
- Q Next one? A Lewis.
- Q How old? A Between four and five.
- Q Next one? A Mellie.
- Q Girl? A Yes sir.
- Q How old? A About three.
- Q Is that all? A Yes sir.
- Q Are all these children living with you at this time? A Yes sir.
- Q And they are the children of yourself and your wife Minerva? A Yes sir.
- Q Were you married to Minerva under a license? A Yes sir.
- Q When? A Its been about twenty some odd years.
- Q Where? A We married at Zion Church in Oktibeha County.
- Q Who married you? A A minister by the name of Franklin.
- Q Have you your marriage license and certificate with you at this time? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to Minerva for use in connection with the application you make for your minor children.

- Q This application is for yourself and seven minor children? A Yes sir.
- Q Is your name or the name of any one of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know.
- Q Has any application of any description ever been made before today for yourself or any of these children for the purpose of establishing your rights as Choctaw Indians? A Never has heard of it.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and seven minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Billy Robison et al--3

Q. Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A. No sir, I don't understand it.

Q. Do you know what a treaty means? A. No sir.

A treaty is an agreement or contract between nations. Two individuals come to an understanding and they call it an agreement or contract but nations, when they enter into a contract, call it a treaty. An agreement between a nation and an Indian Tribe is called a treaty. An article in a treaty is a paragraph or part of, or subdivision of a treaty and in the particular treaty about which I am going to tell you there are a number of these paragraphs or articles and they are numbered from one to say nineteen or twenty and the one that we are referring to now is No. 14. This treaty was made here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. Nearly all the Indians lived here then. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out to the new nation might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, in like manner shall be entitled 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

Billy Robison et al--4

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

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

Within a few years after this treaty was made the greater portion of the Choctaw Tribe of Indians left this country and went to this new country west of the Mississippi River but, as I have stated to you, the 14th article provided that if a Choctaw wanted he could stay here and get land upon certain conditions. First, he was required to let the Agent of the Government here in Mississippi, for the Choctaws, know ~~that~~ within six months after the treaty was ratified that he wanted to stay here and become a citizen of the States and take land and if he did that he was entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey and to include his improvement here in Mississippi as it existed on the 27th day of September, 1830. This land that the Indians were to get, understand me, was land here in Mississippi where they lived. Now, if he had in his family on the day the treaty was made--September 27th, 1830--a child over ten years of age for that child he was entitled to a half section or 320 acres of land and if he had a child in his family under ten years of age on the day the treaty was made, he was entitled to a quarter section of land and these reservations for the children were required by the 14th article to adjoin the locations of the parent. Now, if the Indian lived on this land, intending to become a citizen of the States, for five years from February 24, 1831, the day the treaty was ratified, in that case he was entitled to a grant in fee simple for the land--that is, the Government would give the Choctaw a deed to the land and the land then became the property of the Indian. That 14th article, said, further, that Choctaws who claimed under that article and stayed here in Mississippi did not lose the privilege of a Choctaw citizen but if they ever removed out to the new nation west of the Mississippi River they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid each year to the Indians by the Government under treaty provisions.

Q By ancestors I mean forefathers or old folks. Did any of your forefathers ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A I don't know anything about it.  
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A I don't know anything about that.

Q Did any of them live here, in fact, at that time? A Not as I know of.

Q Did any of them remove to the present Choctaw nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know anything about it.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land?

A I don't know anything about it. I never heard it before today.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of your people ever get any land here in Mississippi or elsewhere from the Government, to your knowledge? A No sir.

Q Did any of them ever get any money from the Government? A No sir not as I know of.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir, not as I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Never has heard of it before today.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions

of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else in Mississippi or in Arkansas, Louisiana or Alabama, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A None as I know of.

Q Do you know of any real old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.

Q Have you any papers of any kind to offer at this time in support of your application? A No sir, none but the one my brother had.

The evidence he offered in his case will be considered in your case too.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian between now and the 15th inst., or within a reasonable time thereafter at Muskogee, Indian Territory, and their testimony will be taken.

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

Q Do you speak or understand the Choctaw language? A Don't know anything about that--no sir.

Q Have you any children of age? A Yes sir.

Q Give us their names. A Silas Robison, Ella Boyd, Sallie Watt, Walter Robison, Holly Hendricks, Lillie Strother and Lula Hawkins.

Q Is that all of them? A Yes sir.

Q Have you any children dead? A Yes sir.

Q How many, do you know? A Three by one wife--five dead by my second wife--one dead by my last wife. They all died infants--none of them was named.

Q Are any of your children by your first wife living? A One, that is Silas.

Q Were you married to her lawfully? A No sir--just married private by our masters.

Q You were married according to the ~~xxxx~~ slave custom, were you? A Yes sir.

Q What was your first wife's name? A Rose.

Q What was the name of your second wife? A Eady.

Q Did Rose have any Choctaw blood? A I don't know, sir.

Q Did Eady? A No sir.

Q Were you married to Eady lawfully? A Yes sir.



Billy Robison et al--7

- Q Under a license? A Yes sir.  
Q When? A Thirty odd years ago.  
Q Where? A I married in the country there in Oktibbeha County.  
Q Who married you? A A white preacher -Isos Morehead.

This applicant has the appearance of being possessed of negro and ~~the~~ white or Indian blood, in which the negro predominates. His hair is a little inclined to be straight. He does not speak or understand the Choctaw language.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 14th, 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.

*Ira S. Niles*

Subscribed and sworn to before me this the 8th day of March, 1902,  
at Philadelphia, Mississippi.

*L. B. Massey*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *J. M. ...*

Deputy.



Handwritten initials and scribbles.

COPY.

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

-----0-----

In the matter of the application of Billy Robison, et al.,  
for identification as Mississippi Choctaws, consolidating the appli-  
cations of:

Billy Robison, et al.,           M C R 4792  
Matthew Stallings, et al.,       M C R 4784

--: 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 Billy Robison for himself and his seven minor children, Matthew,  
Victoria, Annie, Billy Jr., Lucy A., Lewis and Mellie Robison; and  
by Matthew Stallings for himself and his three minor children, Mag-  
nolia, Matthew J., and Marion M. Stallings, under the following pro-  
vision of the act of Congress approved June 28, 1898, (30 Stats.,  
495):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Charley (or Charles or Indian Charlie), who is alleged to have been a full blood Choctaw Indian, and Peggy (or Peggie) Stallings, who is alleged to have been an one-half blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

The name Charles is found on page 80 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians heads of families, who resided in Mushulatubbe's District, in the territory occupied by the Choctaw Indians, in the States of Mississippi and Alabama, at the date of the making of the treaty of "Dancing Rabbit Creek", and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land, in accordance with the provisions of the nineteenth article of said treaty. The record above referred to in no way relates to article fourteen

of the treaty of eighteen hundred and thirty, or shows a compliance or attempted compliance on the part of the person therein named, with its provisions.

It further appears that persons bearing the names Charles and Chahley, received scrip as beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek", but it does not appear from the evidence submitted by the several applicants herein that the Charley (or Charles or Indian Charlie), through whom they claim is identical with any one of the persons whose names appear in the records above cited.

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 Charley (or Charles or Indian Charlie), through whom these applicants claim, or Peggy (or Peggie) Stallings, 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 Billy Robison, Matthew Robison, Victoria Robison, Annie Robison, Billy Robison Jr., Lucy A. Robison, Lewis Robison, Mellie Robison, Matthew Stallings, Magnolia Stallings, Matthew J. Stallings and Marion M. Stallings as Choctaw Indians entitled 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,

\_\_\_\_\_  
*Tom Risher*  
Acting Chairman.

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

\_\_\_\_\_  
*C. R. Bradburidge*  
Commissioner.

Muskogee, Indian Territory.

APR 1 1893

Miss. Chooc.4792

Muskogee, Indian Territory, February 24, 1904.

Billy Hobison,

Starkville, Mississippi,

Dear sir:

Receipt is hereby acknowledged of certified copies of marriage licenses and certificates between William Robinson and Edy Holbrook of July 26, 1867 and William Robinson and Minnie James of September 22, 1877, offered in support of your application for the identification of yourself and your children as Mississippi Choctaws. The same have been filed with the record in this case.

Yours truly,

Commissioner in Charge.

COPY,

Muskogee, Indian Territory, April 11, 1903.

Billy Robison,  
Starkville, Mississippi.

Dear Sir:

You are hereby advised that on the 14th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Billy Robison, et al., embracing the following applications for identification of Mississippi Choctaws:

Billy Robison, et al., M.C.T. 4792  
Matthew Stallings, et al. M.C.T. 4784

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 and be witnesses and perform all other acts necessary thereto and 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 Billy Robison, John Robison, Victoria Robison, Annie Robison, Eliza Robison, Jr., Lucy A. Robison, Levia Robison, Willie Robison, Matthew Stallings, Joseph Stallings, Matthew J. Stallings and

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

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

Respectfully,

(SIGNED)

*Tamm Black*

Chairman.

Registered.

COT

Muskogee, Indian Territory, April 14, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Billy Robison, et al., embracing the following applications for identification as Mississippi Choctaws:

Billy Robison, et al., M.C.R. 4792  
Matthew Stallings, et al., M.C.R. 4784

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 Billy Robison, Matthew Robison, Victoria Robison, Annie Robison, Billy Robison, Jr., Lucy A. Robison, Lewis Robison, Mellie Robison, Matthew Stallings, Magnolia Stallings, Matthew J. Stallings and Marion M. Stallings as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to



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

Respectfully,

*Tamc Bixby.*

Chairman.

(COPY)

Muskogee, Indian Territory, April 30, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Billy Robison, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 14, 1903.

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

Billy Robison, et al., M.C.R. 4792.  
Matthew Stallings, et al., M.C.R. 4784.

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)

*Tammie D. Dickey*  
Chairman.

Through the  
Commissioner of Indian Affairs.

2 enclosures M.C.R. 4792.

(COPY)

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

Land.  
28531-1903.

WASHINGTON

June 9, 1904.

The Honorable,

The Secretary of the Interior

Sir:

I have the honor to transmit 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:

By Billy Robison, for himself and his seven minor children, Matthew, Victoria, Annie, Billy Jr., Lucy A., Lewis, and Nellie Robison; by Matthew Stallings, for himself and his three minor children, Magnolia, Matthew J. and Marion M. Stallings; wherein a decision adverse to the applicants was rendered by the Commission April, 14, 1904.

The testimony shows that the applicants in this case base their claim to identification on their descent from Charley (or Charles or Indian Charlie), and Peggy (or Peggie) Stallings, who, it is claimed, were Choctaw Indians and residents in Mississippi in 1830.

The Commission rejected the applicants because the evidence was deemed insufficient and there was no connection shown between the alleged ancestor, Charley, Charles, or Indian Charlie, through whom they claim, with the party that appears on their records as follows:

"The name Charles is found on page 80 of Volume seven, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Mushulatubbe'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, in exchange for which they were to receive stipulated tracts of land, in accordance with the provisions of the 19th article of said treaty."

"It further appears that persons bearing the names Charles and Charley received scrip as beneficiaries under Article 14 of the Treaty of Dancing Rabbit Creek."

The Commission gives as an additional reason for rejecting the fact that none of the applicants have ever been enrolled as citizens of the Choctaw Nation. An examination has been made of the records of this office with reference to the names Charley, Charles or Indian Charlie, and Peggy (or Peggie) Stallings, and it is discovered that the name Charles appears as follows:

Charles, over 10 years of age at the date of the Treaty of 1830, deceased child of Ok-cha-tubbee, applicant who received scrip.

Charles, over 10 years of age at the date of the Treaty, deceased child of Pis-sah-hoke-ta, applicant who received scrip.

Charles, child of Onubbee, applicant who received scrip.

Charles, under 10 years of age at date of Treaty, child of Istamba, applicant who received scrip.

The name Peggy, or Pegga, appears as follows:

Peggy, over 10 years of age at date of Treaty, child of Bah-pis-sah, applicant who received scrip.

Pegga, under 10 years of age at date of Treaty, child of Ah-ho-gla-aha, applicant who received scrip.

The names Indian Charlie or Peggy Stallings do not appear among the names of those who complied, or attempted to compliance, with the provisions of said Article and Treaty. Neither does it appear that anyone by the name of Indian Charlie or Peggy Stallings applied to either of the Commissions appointed under acts of March 3, 1837, and August 23, 1842, for an adjudication of their rights, if any they had, as Choctaw Indians.

There is no evidence given in this case that would identify the parties through whom the applicants claim with any of these names that appear on the records above stated, and it is therefore the opinion of this office that the decision

--4--

of the Commission, rejecting the applicants, is correct, and I concur in that finding and recommend its approval.

Very Respectfully,

A. C. Tonner.

Acting Commissioner.

CTC-Ma

(COPY)

J.W.H.

DEPARTMENT OF THE INTERIOR

CMR

WASHINGTON

July 25, 1904.

D.C. 26557-1904.

I.I.D. 4726-1904.

L.R.S.

The Commission

to the Five Civilized Tribes,

Gentlemen:

The Chairman with his letter dated April 30, 1903, transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws, of Billy Robison, Matthew, Victoria, Annie, Billy Jr., Lucy A., Lewis and Mellie Robison, Matthew Stallings, Magnolia, Matthew J., and Marion M. Stallings, together with the decision of your Commission dated April 14, 1903, refusing to identify the applicants as such.

The Acting Commissioner of Indian Affairs forwarded the record to the Department on June 9, 1904, and he recommends approval of your decision.

The Department also concurs and your said decision is hereby affirmed.

There is inclosed a copy of the Acting Commissioner's Communication.

Respectfully,  
THOS. RYAN,  
Acting Secretary.

1 inclosure.

M.C.R. 4792

COPY!

Muskogee, Indian Territory, August 2, 1904.

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

Gentlemen:

You are hereby notified that on the 25th 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 Billy Robison et al., of which decision you were advised by mail on the 14th day of April, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.



COMMISSIONERS:  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. E. BRECKINRIDGE.

WM. O. BEALL,  
Secretary

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

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 4792

Muskogee, Indian Territory, August 2, 1904.

Billy Robison,

Starkville, Mississippi,

Dear Sir:

You are hereby notified that on the 25th 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 Billy Robison et al., of which decision you were advised by registered mail on the 14th day of April, 1903.

Respectfully,

Commissioner in Charge.

ATION.

CH  
(NOT INCL

TRIBAL ENROLLMENT OF PARENT

OF FATHER

YEAR

DISTRICT

NAME OF MO

Consolidated Case  
of  
Billy Robison et al.  
4712

Indian Charlie }  
Charles }

Charley (fl.?)  
(dead)

wife  
Peggy Stallings <sup>(75 or 80?)</sup>  
-slave- (dead)

<sup>Robison</sup>  
Wm Robison

Billy Robison

Mathew Stallings

Nathan Stallings

{ or  
Indian (name) }  
Charles

Charley (fl.?)  
dead

wife  
Peggy (or Peggy) talkings (1950 or 80?)  
- slave (dead)

4-77 { Wm Robison }  
          { or Robison }  
Billy Robison 55-3/4  
                  slave - col.  
mar  
(1) Rose  
(2) Eady Holbrook - col.  
(3) Minerva James

mar  
4792  
Matthew Robison 16  
Victoria " 14  
Annie " 11  
Billy " Jr. 7  
Lucy A. " 6  
Lewis " 4  
Mellie " 3

Silas Robison  
Walter Robison  
Ella Robison  
          mar  
          Boyd  
Sallie Robison  
          mar  
          Watt  
Holly Robison  
          mar  
          Hendricks  
Lillie Robison  
          mar  
          Strother  
Lula Robison  
          mar  
          Hawkins

or Indian Charlie  
or Charles

Charley (ff. b. ?)  
(dead)  
wife

for Peggie  
Peggy Stallings  $\frac{1}{2}$   
(195 or 50?)  
- dead -  
slave

MR

4784

(or Matthew)

Matthew Stallings 50  $\frac{3}{4}$   
- col. -

man

① Sallie Zuber  
col. (dead)

② (or Millie)  
Mell Rice

MR

1184

Magnolia Stallings 7

Matthew J. " 6

Marion M. " 4

Charley (Pl.?)  
dead

wife

Peggy Stallings ~~1/2~~  
slave (dead)

Mathan Stallings

11

MOCE  
AUG 27 1904  
R. D. ...

STARKVILLE  
MISSISSIPPI  
AUG 27 1904

WESTER, NO. T.  
SEP 7 1904  
L. D. ...  
RICO

SEP 7 1904

STARKVILLE, MISS.  
AUG 27 730PM  
1904  
REC'D.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

General Office M. C. R.

4792

General Office



Unclaimed.

Billy Robison,

~~Starkville, Mississippi.~~





For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

FEB 11 1902

Name *Billy Robison*

Age *55* Blood *3/4*

Post Office, *Starkville Miss.*

Father: *Charley* —

Mother: *Peggy Stallings* 1/2 d

Claims through both parents.

wife *Minerva*

No claim for wife.

Claims for self & children

Children:

<i>Matthew - Robison</i>		<i>16</i>
<i>Victoria</i>	"	<i>14</i>
<i>Annie</i>	"	<i>11</i>
<i>Billy</i>	" Jr	<i>7</i>
<i>Lucy A.</i>	"	<i>6</i>
<i>Lewis</i>	"	<i>4</i>
<i>Mellie</i>	" (F)	<i>3</i>

Stenographer

*J. S. Niles.*

Choctaw MCR 4793

Virginia E. Walker

See MCR 5432

MCR 4793

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 15, 1902.

In the matter of the application of Virginia E. Walker,  
for the identification of herself and one minor orphan grand child,  
Livingston W. Irving, as Mississippi Choctaws.

Appearances:

S. A. Beadle, Attorney for Applicant.  
A. W. Jones, Agent for Applicant.

Virginia E. Walker, having been first duly sworn, upon  
her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Virginia E. Walker.  
Q How old are you? A Forty eight.  
Q How much Choctaw blood have you? A  $1/8$  I suppose.  
Q What's your post office address? A Natchez, Mississippi.  
Q What's your street address? A 37 Saint Catherine Street.  
Q How long have you lived in Natchez? A All my life.  
Q Is your father living? A No, sir, he's dead.  
Q What was his name? A Allen Davis.  
Q Is your mother living? A No, sir.  
Q What was her name? A Margaret Davis.  
Q Through which one of your parents do you derive your Choctaw blood?  
A From my mother.  
Q How much Choctaw blood did she have? A  $1/4$ .  
Q How long has she been dead? A I guess about fifteen years.  
Q About how old was she when she died? A Fifty four.  
Q Where was she born? A Born in Adams County, Mississippi, in the  
town of Washington, six miles from Natchez.  
Q Did she live in Adams County all her life? A Yes, sir.  
Q Did she speak or understand the Choctaw language? A No, sir.  
Q Do you? A No, sir.  
Q Through which one of her parents did your mother derive her Choctaw  
blood? A Her father.  
Q What was his name? A Thomas Jefferson Dent.  
Q How long has he been dead? A I guess about thirty six or eight  
years. Just a little after the war.  
Q About how old was he when he died? A I don't know exactly how old  
he was.  
Q Can't you give us an idea? A Well, I was very small when he  
died; I guess about ten or twelve years old.  
Q You don't remember how old he was? A No, sir, I remember him, of a  
course, but I don't remember his age.  
Q Do you know where he was born? A In Mississippi, I believe.  
Q What part? A In Washington, same place as my mother was born.  
Q Did Thomas Jefferson Dent live there all his life? A Yes, sir, to  
my knowledge he did.  
Q Through which one of his parents did he get his Choctaw blood?  
A His mother.

Virginia E. Walker, et al., 2.

- Q Were you acquainted with her? A No, sir.  
Q Do you know what her name was? A No, sir.  
Q According to your statements, she must have been a full blood Choctaw? A Yes, sir.  
Q Is that your understanding? A Yes, sir, I heard my grand mother - always told me she was.  
Q Are you married? A Yes, sir.  
Q Is your husband living? A Yes, sir.  
Q What's his name? A John A. Walker.  
Q Make no claim for him? A No, sir.  
Q Has he any Choctaw blood? A He claims to have, but I don't know anything about it.  
Q He is not an applicant before the Commission, then? A No, sir.  
Q Have you any minor children living? A No, sir, I have a grand son, - an orphan grand child living with me for whom I want to make application.  
Q What's the name of the grand child? A Livingston W. Irving.  
Q How old is he? A Eleven years old.  
Q Is his father living? A No, sir.  
Q What was his name? A Walter Irving.  
Q Did he have any Choctaw blood? A No, sir, I don't think he had.  
Q What's the name of the mother of this child? A Gertrude F. Irving  
Q How long had she been dead? A Near five years this October.  
Q How much Choctaw blood did she have? A I couldn't tell; I don't know how much. Her father's got it in him.  
Q You know that she's a sixteenth? A Oh! yes.  
Q This child has 1/32 Choctaw blood? A Yes, sir.  
Q Now, Gertrude F. Irving was your own daughter? A Yes, sir.  
Q Is she the child of yourself and John A. Walker? A Yes, sir.  
Q How long has the father of this child been dead? A Near five years; died four months before she did.  
Q Has the child been living with you ever since the death of its parents? A Yes, sir. Always lived with me.  
Q Even before the death of its parents? A Some of the time.  
Q You maintain and support this child? A Yes, sir.  
Q The same as if it were your own? A Yes, sir.  
Q Have you ever been legally appointed guardian for it by the Court? A No, sir, but I was about to be, and the gentleman that was - he died, and of course, he told me that I was the guardian of the child.  
Q You never have gotten letters of guardianship for it? A No, sir.  
Q This application, then, is for yourself and one minor orphan grand child? A Yes, sir.  
Q Is your name, or the name of this grand child, to be found upon any of the Choctaw tribal rolls in Indian Territory?  
A I don't know.  
Q Is any application of any description ever been made before to-day for yourself or this minor grand child, for the purpose of establishing your rights as Choctaw Indians? A No, sir.  
Q Do you appear before the Commission at this time for the purpose of claimin' rights in the Choctaw lands in Indian Territory for yourself and this minor grand child under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.  
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No, sir, I don't understand it.

This treaty of Dancing Rabbit Creek was entered into here in Mississipi on the 27th day of September, 1830,

Virginia E. Walker, et al., 3.

the United States Government and the Choctaw tribe of Indians. At the time the treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefits of those who wanted to stay here that is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out to the new nation with the main body of the tribe might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the 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 I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek. Do you understand that article now? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A I don't know.
- Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when the treaty was made? A No, sir.
- Q Do you know about that? A No, sir, I don't know about it.
- Q Did any of them live here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830 when this treaty was made? A I don't know, sir.
- Q Did any of them move to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know, sir.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was made, let the agent of the Government here in Miss-

Virginia E. Walker, et al., 4.

Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Did any of them ever get any money from the Government? A No, sir.  
Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under that article. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi, and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

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

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

Q Did any of your ancestors ever get any of this scrip from the

Virginia E. Walker, et al., 5.

government of the United States under this Act of Congress? A Not as I know of.

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

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A Mr. Winston and Mr. Pags; they are the same witnesses who testified in the case of my brother, William M. Davis.

Q Is William M. Davis, who appeared before the Commission here yesterday, your full brother? A Yes, sir.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before the commission at any of our appointments here in Mississippi during this winter or spring, or within a reasonable time thereafter at the General office of the Commissioner in ~~Musauux~~ Muskogee, Indian Territory, and their testimony will be taken.

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

Q Have you any children living? A No, sir, only the grand son.

Q That's the only one of your descendants who is living? A Yes, sir.

Q What was your mother's mother's name? A Jane Dent.

Q She had no Choctaw blood? A Not as I know of.

Q Were Jane Dent and Thomas Jefferson Dent lawfully married?

A I suppose they were; I don't know; they always lived as man and wife.

Q How long did they live together? A Well they lived together until he died.

Q How many children were born to them? A Six, I think. Six or seven

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

Q How many brothers? A Two living.

Q What's the name of the other one besides William? ~~Thomas Daxta~~

A Thomas Davis.

Q He appeared before the Commission yesterday? A Yes, sir.

Q Full brother of yours? A Yes, sir.

Q Have you any brothers or sisters deceased who left descendants?

A Yes, sir, I have one sister and two brothers dead.

Q Are any of the descendants of these living? A No, sir.

Q None of them left children then? A No, sir.

By Beadle:

Q Did your grand mother and father live together continuously from the time they were married until six children were born to them? A Yes, sir.

Q When did they die? A My grand mother's only been dead a year and a half ago, and my grand father died just as the war closed.

Q Were they living together when the war closed? A Yes, sir.

Q As late as sixty nine? A Yes, sir.

Virginia E. Walker, et al., 6.

By Commission:

Q I thought you said your grand father died at the close of the war? A It was just at the close of the war, that's the reason my brother - maybe he could tell exactly when he died.

Q Then, he was not living in '69? A No, sir.

Q Your statement to your attorney that your grand father and grand mother were living together in '69, then, is not correct? A Yes, sir is not correct; I made a mistake.

(This applicant has straight black hair, dark eyes and dark skin; she shows no indication of being possessed of Indian blood, and does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 15th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Seale, Mississippi, this 13th day of March, 1902.

*L. B. Morley*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]* Deputy.



Muskogee, Indian Territory, August 27, 1902.

Virginia E. Walker,  
Hatchez, Mississippi.

Dear Madam:

You are hereby advised that on the 27th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Clapp, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Clapp,	M.C.R. 5432
William H. Davis,	" 4791
Lucra Allain,	" 4786
Irene V. Miller, et al.,	" 4787
Maud T. Stevens, et al.,	" 5241
Thomas H. Davis, et al.,	" 4785
Virginia E. Walker, et al.,	" 4793
William F. Dent, et al.,	" 5419
Thomas J. Dent, et al.,	" 4788
Charles R. Dent,	" 4789
Augusta Dent,	" 4790
Louis Dent,	" 4794

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

Virginia H. Walker-2

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Clapp, William M. Davis, Laura Allain, Irene V. Miller, Emily Miller, Maud R. Stevens, Marguerite Stevens, William H. Stevens, Thomas H. Davis, Mamie Davis, Joseph Davis, Marguerite Davis, George Davis, Thomas Davis, Norma Davis, Virginia H. Walker, Livingston W. Irving, William F. Dent, Virginia F. Dent, Thomas J. Dent, Charlie Dent, Selma Dent, Robert Dent, Charles R. Dent, Augusta Dent and Louis Dent as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

Acting Chairman.

Registered.

M C R 4793

COPY

Muskogee, Indian Territory, October 29, 1902.

Virginia J. Walker,  
Natchez, Mississippi.

Dear Madam:

You are hereby advised that on the 17th 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 Mary Clapp, et al., of which decision you were advised by registered mail on the 27th day of August, 1902.

Respectfully,

Acting Chairman.

No

113

For Identification as a Mississippi Choctaw.  
Meridian, Miss.

Date

FEB 17 1902

Name Virginia E Walker

Age 48

Blood 1/8

37 St. Catherine St.

Post Office, Natchez, Miss

Father: Allen Davis &

Mother: Margaret " &

Claims through mother  
husband

John A. Walker &  
No claim for husband,

(I have a signature under name)  
of mother's name

Children:

Livingston W. Irving (1/32) }  
Father: Waller Irving }  
Mother: Gertrude F. Irving (1/16) } &



Mo. . . . .

\* Stenographer

R. S. Streit

Choctaw MCR 4794

Louis Dent

See MCR 5432

MCR 4794

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 15, 1902.

In the matter of the application of Louis Dent for  
identification as a Mississippi Choctaw.

Appearances:

S. A. Beadle, Attorney for Applicant.  
A. W. Jones, Agent for Applicant.

Louis Dent, having been first duly sworn, upon his oath  
testified as follows:

Examination by the Commission.

- Q What is your name? A Louis Dent.  
Q How old are you? A Forty years old.  
Q How much Choctaw blood have you? A 1/8.  
Q What's your post office address? A Natchez, Mississippi.  
Q How long have you lived in Natchez? A All my life.  
Q Is your father living? A No, sir.  
Q What was his name? A He went by the name of - I think his right  
name was Albert, but they called him Bud Dent.  
Q Is your mother living? A Yes, sir.  
Q What's her name? A She's named Ellen Warren.  
Q Through which one of your parents do you get your Choctaw blood?  
A On my father's side.  
Q Where was your father born? A In Washington, Adams County, Miss-  
issippi.  
Q Did he live in Adams County all his life? A Oh! no, sir, not all  
of his life. He lived in Adams County up until - well, I don't know,  
exactly, how old I was, but he went to New Orleans and lived quite  
a while down there.  
Q When did he die? A I don't know, sir, exactly the years; I never  
kept account, but it's been quite a long while.  
Q Well, about how many years? A I don't know, exactly; it's been,  
to my knowledge, it must have been about seventeen years ago.  
Q About how old a man was he when he died? A Well, I don't know, sir,  
exactly, his age.  
Q About how old? A He must have been up in the fifties, I guess.  
Q Were he and your mother married? A I don't know, sir.  
Q Did she ever have any other children by him besides you? A No,  
sir.  
Q Did they live together as man and wife? A Yes, sir, up until that  
he left her and went to New Orleans.  
Q How long did they live together? A I don't know exactly the time,  
I was three or four years old when he left her, something like  
that.  
Q Now, did he live with her as his wife, from the time of your  
birth until you were three or four years old? A Yes, sir.  
Q You will swear positively to that fact, do you? A You know I was  
quite small; I don't know that positively, but I know they lived  
together and supposed to be married.  
Q Never were married under a license, were they? A I don't know that  
you see.

Louis Dent, 2.

Q Did he ever have any other wife living at the time you were born besides your mother? A Well, he married since then.

Q How long after your birth was it that he married again? A I don't know, exactly.

Q Was it ten years, do you think, or five years, or what?

A I don't know that.

Q Do you remember when he was married? A No, sir.

Q Did he ever get a divorce from your mother, or did she ever get a divorce from him? A I don't know that either.

Q If there were ever any divorce contract by either of them, you don't know it? A No, sir.

Q Through which one of his parents did your father get his Choctaw blood? A His father.

Q What was his name? A Thomas Jefferson Dent.

Q Did you ever see him? A No, sir.

Q Do you know where he is? A Not to remember him; I was a baby when he died.

Q Do you know where he was born and raised? A I don't know, but they claim that their home were there in Washington in the town of Washington.

Q Adams County, Mississippi? A Yes, sir.

Q Was it your understanding that he was born there? A Yes, sir. I never heard them say whether he was born there but they always claimed that that was his home; that he was a Mississippi Choctaw.

Q Do you know how much Choctaw blood he had? A No, sir, but I understand he was one half.

Q Did your father contribute to the support of your mother and yourself after your birth? A Well, I do not know, but I know he gave me money and sent me money after that he left here.

Q Well how often? A Well, several times.

Q What amounts? A Well I don't know exactly; he used to tell me whenever he could see me that he would give me money to help me along.

Q Did he pass for a white man? A I don't know whether he did or not.

Q He only had one quarter Indian blood according to your understanding? A Yes, sir.

Q Are you married? A No, sir.

Q This application is for yourself only? A Yes, sir.

Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A Not as I know of.

Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? 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 14th article of the treaty of Dancing Rabbit Creek? A Well, I didn't understand you.

Q I want to know whether you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir, I do not.

This treaty was entered into here in Mississippi on the

Louis Dent, 3.

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

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

- Q Do you think you understand that 14th article now? A Yes, sir.  
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?  
A Not that I know of.  
Q Did any of your ancestors own an improvement here in the old Choctaw Nation at the time the treaty of Dancing Rabbit Creek was made, over seventy one years ago? A Not that I know of.  
Q Did any of them, in fact, live here at that time? A Oh! yes, sir. My grand father was living somewhere seventy one years ago.  
Q Do you know where he was living seventy one years ago, when this treaty was made? A I don't know.  
Q By your grand father, you refer to Thomas Jefferson Dent? A Yes, sir.  
Q Did any of your Choctaw ancestors remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A I don't know, sir.



Louis Dent, 4.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land?

A I do not know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know that.

Q Did any of them ever get any land under any other provision in the treaty? A No, sir.

Q If any of them ever get any money from the Government? A I don't know that.

Q So far as you know, did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A I don't know, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know they wanted to stay here and become citizens and take land, and on this account, the Government, at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I do not know.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provision 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 in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, or Louisiana, or

Louis Dent, 5.

Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, s sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I do not know.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir, I do not know.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A Captain Sam Winston and John Hayes.

Q They are the witnesses who testified yesterday in support of the application of William M. Davis? A Yes, sir.

Q What relation are you to William M. Davis? A First cousins.

Q Your father and his mother then were full brother and sister?

A Yes, sir.

Q What relation are you to the applicant, Virginia E. Walker who appeared here this morning? A First cousin.

Q What relation is she to William M. Davis? A Sister.

Q What relation are you to Thomas J. Dent who appeared before the Commission yesterday? A First cousins.

Q His father and your father were full brothers? A Yes, sir.

Q Do you speak or understand the Choctaw language? A No, sir, I do not.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any of our appointments here in Mississippi this winter or spring, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

(This applicant has black dark eyes and dark skin; his hair is almost straight. He is apparently possessed of a mixture of negro and either white or Indian blood in which the negro blood predominates.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi on the 15th day of February, 1902, and that the above and foregoing is a full, true and correct

Louis Dent, 6.

translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Steich*

Subscribed and sworn to before me at Seale, Mississippi, this 13th day of March, 1902.

*L. B. Mosley*

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

By *[Signature]*

Deputy.

Mustang, Indian Territory, August 27, 1902.

Louis Dent,

Watches, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Clapp, et al., embracing the following applications for identification of Mississippi Choctaws:

Mary Clapp,	"	5432
William W. Davis,	"	4701
Emma Allain,	"	4736
Evane V. Miller, et al.,	"	4737
Ward L. Storons, et al.,	"	4741
Thomas H. Davis, et al.,	"	4785
Virginia R. Walker, et al.,	"	4807
William E. Dent, et al.,	"	5419
Thomas I. Dent, et al.,	"	4733
Charles R. Dent,	"	4733
Augusta Dent,	"	4790
Louis Dent,	"	4794

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495), which is as follows:

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Chapman, William W. Davis, Laura Allain, Irene V. Miller, Emily Miller, Maud R. Stevens, Margaret Stevens, William P. Stevens, Thomas W. Davis, John Davis, Peter Davis, Margaret Davis, George Davis, Thomas Davis, Norma Davis, Virginia E. Walker, Livingston W. Irving, William N. Dent, Virginia N. Dent, Thomas J. Dent, Charlie Dent, Selma Dent, Robert Dent, Charles F. Dent, Augusta Dent and Louis Dent, 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 said rights 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 approval and is advised in the course of such action as may be taken thereon.

Very truly,  
Commissioner

Approved: \_\_\_\_\_  
Special Agent in Charge

Very truly,  
Special Agent in Charge

M C R 4794

Muskogee, Indian Territory, October 25, 1902.

Louis Dent,  
Natchez, Mississippi.

Dear Sir:

You are hereby advised that on the 17th 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 Wary Clapp, et al., of which decision you were advised by registered mail on the 27th day of August, 1902.

Respectfully,

Acting Chairman.

No. 2754

For Identification as a Mississippi Choctaw.  
*Meridian Miss*

Date FEB 15 1902

Name *Louis Dent*

Age 40 Blood  $\frac{1}{8}$

Post Office, *Natchez, Miss.*

Father: *Albert or Bud Dent, D.*

Mother: *Ellen Warren, L.*

*Claims through father*

*(Claims for day only)*

Children:

*Witness*

Stenographer

*R. A. Street*

Choctaw MCR 4795

Jeff Williams

See MCR 4796

MCR 4795



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

-----

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

Jeff Williams, et al., M.C.R. 4795  
Joseph C. Williams, et al., \* 4796

-----

---- I N D E X ----

-----

List of papers forwarded to the Secretary of the Interior, compris-  
ing the record in the case of Jeff Williams, et al., M.C.R. 4795

	Page.
Original application of Jeff Williams, et al., to the Dawes Commission for identification as Mississippi Choctaws, - - - - -	1
Original application of Joseph C. Williams, et al., to the Dawes Commission for identification as Mis- sissippi Choctaws, - - - - -	8
Certified copy of marriage record between Je Wil- liams and Miss Malinda Harrison, - - - - -	13
Decision of the Commission refusing the application of Jeff Williams, et al., for identification as Mississippi Choctaws, - - - - -	14

-----

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 15, 1902.

In the matter of the application of Jeff Williams for the identification of himself and one minor child, Tom Jeff Williams, as Mississippi Choctaws.

Jeff Williams, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Jeff Williams.  
Q How old are you? A I have no idea how, I is.  
Q About how old? A About seventy somewhere.  
Q How much Choctaw blood have you? A Well, my mother's half Injun, and my father was part, my grand mother was pretty full.  
Q What's your post office address? A Beelake, Mississippi.  
Q What county? A Holmes County.  
Q Where were you born? A I was born in the edge of Tennessee - betwixt Tennessee and Kentucky.  
Q How long did you live there? A I didn't live there long.  
Q Where did you go from there? A To Mississippi.  
Q What county? A Noxubbee.  
Q How long did you live in Noxubbee County? A Until I got grown.  
Q Where did you go from there? A After the surrender here.  
Q To what county? A Noxubbee.  
Q Where did you go to from Noxubbee? A Come from Macon to Meridian.  
Q And you have been here ever sine the surrender? A Oh! no, sir, I stayed at Macone a year or two after the surrender, and then after the surrender I stayed there a while, and come down here and been here a long time.  
Q You were a slave, were you? A Yes, sir.  
Q Is your father living? A No, sir.  
Q What was his name? A Martin Williams.  
Q Is your mother living? A No, sir.  
Q What was her name? A Mary.  
Q Were they both slaves? A Yes, sir.  
Q Where was your father born? A I don't know, sir.  
Q Where was your mother born? A I don't knowk sir, where she was ~~he~~ born.  
Q How long did they live in Tennessee before you came to Mississippi? A I r eckon three, or four, or five years.  
Q Where did they go from to Tennessee? A I was sold and come down here.  
Q They never did come to Mississippi, then? A Never did come down ~~he~~ here; they come to a part in Mississippi.  
Q Where did they come to? A I don't know, sir, after I left them.  
Q Did they ever live in Mississippi, either of them, before your birth? A Yes, sir.  
Q Before you were born? A I reckon ; I can't tell you anything about that.  
Q How long did they live in Tennessee before you were born, do you know? A No, sir.

Jeff Williams, et al., 2.

- Q How much Choctaw blood did your father have? A He was half.  
Q How much Choctaw blood did your mother have? A She was half.  
Q Then you claim to be a half too, do you? A Yes, sir, my father I reckon, he was a little more than half; he had long hair just like that.  
Q Do you know the names of any of your grand parents? A None but my grand mother; I can recollect her.  
Q Your father's mother or your mother's mother? A My mother's mother.  
Q What was her name? A Juna.  
Q Did she have any Choctaw blood? A Yes, sir.  
Q How much? A I don't know; she was pretty full.  
Q Was she a slave? A She lived with the Indians.  
Q That doesn't answer my question; was she a slave? A I reckon she was a slave.  
Q Where did she live during her life time? A With the Indians as I recollects.  
Q Where? A Up here in the edge of Tennessee.  
Q What kind of Indians did she live with? A I don't know whether it was the Cherokees or the Choctaws she was with.  
Q Did you ever hear she lived with the Chickasaws? A No, sir, it wasn't Chickasaws. I don't recollect now; you see I was small.  
Q Did you ever hear of any of your ancestors, your fore-fathers, living in Mississippi before you came here? A No, sir.  
Q Are you married? A I have been married; my wife's dead.  
Q How many children have you living who are under age? A I aint got but one little one.  
Q What's that child's name? A Tom Jeff Williams.  
Q How old is Tom? A I reckon he is seven or eight years old.  
Q Is he living with you now? A Yes, sir.  
Q This application, then, is for yourself and one minor child, is that right? A Yes, sir.  
Q What was the name of the mother of this child? A Hannah.  
Q Did she have any Choctaw blood? A Not as I know of.  
Q Were you married more than once? A I was married twice.  
Q Were you married to Ha nah under a license? A Yes, sir.  
Q When were you married to her? A Right here in this place; I don't know how long it's been, but it was right here.  
Q You haven't your license with you now? A No, sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Hannah, for use in connection with the application which you make in behalf of this minor child. This evidence should be furnished within thirty days from this date, if possible.

- Q What was the name of your first wife? A Betsey.  
Q Were you married to her during slavery times? A Yes, sir away yonder in slavery times; you know I married during slavery times.  
Q Is your name, or the name of this child for whom you make application on any of the Choctaw tribal rolls in Indian Territory?  
A Now is it?  
Q Is your name, or the name of this child for whom you make application on any of the Choctaw tribal rolls in Indian Territory?  
By tribal rolls, I mean list of the names of the Indians who belong

Jeff Williams, et al., 3.

to the tribe in the Indian Territory. I want to know whether your name or the name of this child is on those rolls? A I don't know; I don't understand it.

Q You don't understand what I mean by the rolls; is that it?

A By the rolls?

Q Yes? The rolls-the Choctaw tribal rolls are a list of the Indians that belong to the Choctaw tribe in the Territory. I want to know whether your name or the name of this child is on any of those rolls, if you know? A I don't know.

Q Has any application of any description ever been made before today for you or this child for the purpose of establishing your rights as Choctaw Indians? A No, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and this minor child under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir, I reckon it is.

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

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, that's a year or two before you were born, if you gave your age correctly - between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to let these Indians to move from the country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is now known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. The greater portion of the Choctaw tribe moved within a few years after the treaty was made. That 14th article is as follows:

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

under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Now, if a Choctaw who lived here seventy one years ago preferred to stay here, in Mississippi, and take land under the 14th article of the treaty rather than move out to the new nation with the rest of the tribe, he had the right to do so and upon certain conditions, he was required first by the terms of that 14th article to let the agent of the government here in Mississippi know that he wanted to stay here and become citizen of the States and take land and he was required to do this within six months from February 24, 1831, the day the treaty was ratified. After he had done this, he was entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, a piece of land, in other words, a mile square, and for each unmarried child in his family over ten years of age, on the 27th day of September, 1830, the day this treaty was ratified, he was entitled to a half section, or three hundred and twenty acres of land; for each child in his family under ten years of age on the 27th day of September, 1830, he was entitled to a quarter section, or one hundred and sixty acres of land. These reservations for the children were required by the terms of the 14th article to adjoin the location of the parent, and the reservations so made for these Indians were required under that article in each instance to include the improvement of the Indian as it existed when the treaty was made. After the Indian lived on that land here in Mississippi continuously for five years from February 24, 1831, he was entitled to a grant in fee simple for the land; that is the Government would give him a deed or patent to the land, and it became the property of the Indians. That 14th article further provided that persons who claimed under that article should not, by reason of their having done so, lose the privilege of a Choctaw citizen, but if they ever removed, that is, if they ever went out west to the new country, following the other Indians out there later, they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid to the Choctaw Indians by the Government each year under treaty provisions.

Q Now, did any of your ancestors ever comply or attempt to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits under that article? That is, did they ever do as that 14th article said an Indian should do if he wanted to stay here in Mississippi and take land under that article? A Yes, sir.

Q They did as that 14th article said, you say? A Well, I don't understand you.

Q I want to know whether any of your people, - your fore-fathers - your parents or grand parents - as far as you want to go back, were living here in 1830, when this treaty was made, or whether they,

Jeff Williams, et al., 5.

within six months after the treaty was ratified, let the agent of the Government know that they wanted to stay here and not move out west to the new nation, and whether they got any land under that 14th article - your people; did they, or not? A You know I can't tell nothing about that.

Q As a matter of fact, none of your people - ancestors - your fore-father - parents or grand parents lived here in Mississippi, in 1830, did they? A No, sir.

Q They lived in Tennessee then, didn't they? A They come from Tennessee down in here.

Q They lived in Tennessee, seventy one years ago, didn't they? A I reckon they did.

Q If your statement as to your age is correct, a year or two before you were born, they must have lived in Tennessee didn't they? A I can't tell what they done then before I was born.

Q Did any of your people - any of your ancestors or fore-father - ever get any land here in Mississippi from the United States Government? A Not as I knows of.

Q Did any of them ever get any money from the Government? A Not as I knows of.

Q So far as you know, then, none of your old people ever received any benefits whatever as Choctaw Indians, did they? A They never got any land; I never heard of them getting any land.

Q Did you ever hear of any of them getting any money from the Government of the United States? A No, sir, I never heard of it.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they were entitled to land in Mississippi under the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your fore-fathers appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

Jeff Williams, et al., 6.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with 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 in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?  
A Not as I know of. I was so young, to know anything like that.  
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.  
Q Do you know of any deeds, patents, or papers of any kind, which would prove or tend to prove such a state of facts? A I do not.  
Q Have you any papers of any kind to offer? A I have no papers to offer.  
Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any of our appointments here in Mississippi this spring or winter, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time?  
A No, sir.  
Q How many children have you living who are of age? A Five.  
Q What are their names? A Jack Williams.  
Q Has he been before the Commission? A No, sir.  
Q Where does he live? A Up here in Noxubee County.  
Q Next one? A George.  
Q Has George been before the Commission? A No, sir, and Jeff.  
Q Has Jeff been before the Commission? A No, sir.  
Q Next one? A And then one --  
Q What's his name? A Joe Williams.  
Q Has he been before the Commission? A No, sir, he is here today for that purpose.  
Q What's the name of your other child? A The other he is dead.  
Q What was his name? A John Williams.  
Q Did he leave any children? A No, sir, never had any one.  
Q Have you any children dead who left children? A No, sir.  
Q Have you any brothers or sisters living? A None at all.  
Q Did you ever have any? A Yes, sir, I had some living, but they died before the surrender.  
Q Have you anything further to say? A No, sir.  
Q Do you speak or understand the Choctaw language? A Not a bit of it.



Jeff Williams, et al., 7.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood in which the negro blood largely predominates. He speaks a few Choctaw words.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 15th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Scale, Mississippi, this 13th day of March, 1902.

*L. B. Moody*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.



J. M. S.  
C. W.

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

-----

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

Jeff Williams, et al.,	M. C. R.	4795
Joseph C. Williams, et al.,	"	4796

-----

--- 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 Jeff Williams for himself and his minor child, Tom Jeff Williams, and by Joseph C. Williams for himself and his four minor children, John H., Etta, Joseph C. Jr., and Fattie Williams, under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 495):

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

It also appears that all of the said applicants 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 Juna, and Martin Williams, both alleged to have been Choctaw Indians, degree of blood of former not known and that of the latter alleged to have been one-half.

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, 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 Juna, or the said Martin Williams 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 Jeff Williams, Tom Jeff Williams, Joseph C. Williams, John H. Williams, Etta Williams, Joseph C. Williams, Jr., and Hattie Williams, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGN:

Tame Pirbu.

Acting Chairman.

T. B. Needles.

Commissioner.

C. P. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 27 1902

Muskogee, Indian Territory, October 27, 1902.

Wm Field, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 23<sup>rd</sup> day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jeff Williams, et al., embracing the following applications for identification as Mississippi Choctaw 3:

Jeff Williams, et al., M.C.R. 4795  
Joseph C. Williams, et al., M.C.R. 4796

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 Jeff Williams, Tom Jeff Williams, Joseph C. Williams, John H. Williams, Etta Williams, Joseph C. Williams, Jr., and Mattie Williams, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty

J.W.--42

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

You are further advised that the principal 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 for review.

Respectfully,

Commissioner in Charge.

COPY.

M. C. R. 4795

Muskogee, Indian Territory, October 27, 1902.

Jeff Williams,

Osedale, Mississippi.

Dear Sir:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jeff Williams, et al., embracing the following applications for identification as Choctaw Indians:

Jeff Williams, et al., M.C.R. 4795  
Joseph C. Williams et al., M.C.R. 4796

These applications were made under the provision of the act of Congress of June 28, 1902, (30 Stat., 498) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jeff Williams, Tom Jeff Williams, Joseph C. Williams, John H. Williams, Eata Williams, Joseph C. Williams, Jr., and Mattie Williams, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for

J.W.---2

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

Respectfully,

*J. H. ...*  
Commissioner in Charge.

Registered.

M C R 4795

Muskogee, Indian Territory, November 12, 1902

The Honorable,  
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Jeff Williams, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 27, 1902.

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

Jeff Williams, et al., M.C.R. 4795  
Joseph C. Williams, et al., M.C.R. 4796

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. M.C.R. 4795.



( COPY )

Land  
68324--1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, February 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the consolidated application of the following parties: Jeff Williams for himself and his minor child, Tom Jeff Williams; and by Joseph C. Williams, for himself and his four minor children, John H., Etta, Joseph C., Jr., and Hattie Williams, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on October 27, 1902.

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

The Commission rejected the applicants because the names of

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

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

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

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H.(E.)

D.C.No:5464-1903.

( COPY )

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

BAF.

ITD.1286-1903.  
L R S

February 21, 1903.

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

Gentlemen:

November 12, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Jeff Williams and his minor child, Tom Jeff Williams; and of Joseph C. Williams and his minor children, John H., Etta, Joseph C. Jr., and Hattie Williams; including your decision of October 27, 1902, refusing the applications.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Juna, and one Martin Williams, who are alleged to have been Choctaw Indians.

The records fail to show that any one of the applicants was ever enrolled or admitted to citizenship in the Choctaw Nation, or that either of their alleged ancestors complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 5, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision and hereby affirms the same.

Respectfully,  
(Signed)

Thos. Ryan,  
Acting Secretary.

1 inclosure.

M.C.R. 4795

Muskogee, Indian Territory, March 6, 1903.

Jeff Williams,

Beelake, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Chootaws of the several persons included in the consolidated case of Jeff Williams, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

Chairman.

HERBERT M. O. R.

Luna (pretty face)

Mary Williams, 72 1/2  
husband  
slave

Martin Williams, 70 1/2  
slave

No. R  
11775

Jeff. Williams, 70 1/2  
wife

① Betsey Williams, 60

② Hannah Williams, 60

Jack Williams,

George Williams,

Jeff Williams

Joseph C. Williams,  
wife

Malinda Williams

John H Williams, 17

Etta Williams, 16

Joseph C. Williams, Jr. 14

Hattie Williams, 12

Tom Jeff Williams, 7

For Identification as a Mississippi Choctaw.  
Meridian Miss.

Date FEB 15 1902

Name Jeff Williams

Age 70 Blood 1/2

Post Office, Beck Lake, Miss.

Father: Martin Williams 1/2 d

Mother: Mary 1/2 d

Claims through both parents.

Children:

Tom J. Williams

mother Hannah  
No Choctaw blood.

7 d

Stenographer

R. J. Street

Choctaw MCR 4796

Joseph C. Williams

See MCR 4795

MCR 4796



4774

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 15, 1902.

In the matter of the application of Joseph C. Williams,  
for the identification of himself and four minor children, John H.,  
Etta, Joseph C. Jr., and Hattie, as Mississippi Choctaws.

Joseph C. Williams, having been first duly sworn, upon  
his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Joseph C. Williams.  
Q How old are you? A I am about thirty seven.  
Q How much Choctaw blood have you? A I don't know, sir, I claim to  
be about 1/3, I believe.  
Q If your father's half, and your mother had none, you are a quar-  
ter? A Yes, that's right.  
Q What's your post office address? A Beelake,  
Q What county? A Holmes County.  
Q How long have you lived in Holmes County? A About sixteen years.  
Q Where did you live before that? A In Macon, Mississippi.  
Q Noxubee County? A Yes, sir, born and bred there.  
Q Lived there all your life until you went to Holmes? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q What's his name? A Jeff Williams.  
Q Is he the Jeff Williams who just appeared before the Commission  
here today? A Yes, sir.  
Q Is your mother living? A No, sir.  
Q What's her name? A Betsey Williams.  
Q Did she have any Choctaw blood? A Not that I knows of.  
Q How much Choctaw blood has your father? A About half.  
Q Where was your father born? A I don't know, sir; I just tell  
you the truth, he never did tell me.  
Q How long has he been living in Mississippi? A All my life.  
Q Did you ever hear of his having lived any place else but in  
Mississippi? A No, sir.  
Q Are you married? A Yes, sir.  
Q What's your wife's name? A Malinda Williams.  
Q Do you make any claim for her? A No, sir, I aint trying for her.  
Q Through which one of his parents, did your father get his Choctaw  
blood? A He says through both.  
Q Do you know their names? A No, sir, I don't know; he never told  
me.  
Q How many children have you living? A Four.  
Q What are their names and ages? A John H. Williams.  
Q How old? A 19.  
Q Next one? A Etta.  
Q How old? A 16.  
Q Next one? A Joseph C. Williams, Jr.  
Q How old? A He is 14.  
Q Next one? A Hattie.  
Q How old? A She's 12.

Joseph C. Williams, et al., 2.

Q These children all four living with you at this time? A Yes, sir. Well, there are two off at school.

Q Are they all the children of yourself and Malinda Williams?

A Yes, sir.

Q This application, then, is for yourself and four minor children

A Yes, sir.

Q Were you married to Malinda under a license? A Yes, sir.

Q When?? A In '77.

Q Where? A In East, Mississippi.

Q Who married you? A Oliver Orr.

Q What official position did he hold? A Preacher.

Q Have you your marriage license and certificate with you at this time? A No, sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Malinda for use in connection with the application which you make in behalf of these four minor children. This evidence should be furnished within thirty days from this date if possible.

Q Were your father and mother lawfully married? A I don't know, sir, they was married in slavery time; I didn't know that law.

Q How many children did they have besides you? A There was myself and John, Jeff, George and Jack.

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

A No, sir.

Q Has any application of any description ever been made before today for yourself or any one of these children for the purpose of establishing your rights as Choctaw Indians? 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 14th article of the treaty of Dancing Rabbit Creek, for yourself and these four minor children? A Yes, sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir, I don't understand it so very well.

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

Joseph C. Williams, et al., 3.

cut to the new nation west of the Mississippi River, might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signing, his intention to the agent within six months from the ratification of this treaty, and he or she shall hereupon be entitled to a reservation of one section or six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled 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 land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the 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 and not be entitled to any portion of the Choctaw bounty."

- Q Now, I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek, do you think you understand it? A I think so.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No, sir.
- Q You are sure of that are you? A Yes, sir, I am.
- Q Did any of them own any improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir.
- Q Did any of them, in fact, live here at that time? A No, sir.
- Q Where did they live? A I don't know, sir.
- Q Did any of them remove to the present Choctaw Nation, in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No, sir, not that I know of.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A No, sir.
- Q Did any of them ever get any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.
- Q Any of them ever get any land here in Mississippi from the Government under any other provision of that treaty? A No, sir.
- Q Any of them ever get any money from the Government? A No, sir.
- Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the

Joseph C. Williams, et al., 4.

United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold lands upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1835 and 1838, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their claim under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

An Act of Congress approved on the 23rd day of August, 1842 provided that in case it should be finally determined that a Choctaw had complied in all respects with 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 in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir.

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

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witness here to-day? A No, sir.

Joseph C. Williams, et al., 5.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi, before the 15th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time? A No, sir.
- Q Do you speak or understand the Choctaw language? A No, sir, not much of Choctaw; I know a few words.
- Q Have you any children of age? A No, sir.
- Q None married? A No, sir.
- Q Have you any sisters living? A Yes two.
- Q What are their names? A One named Roxanna Brown.
- Q Next one? A Edna Dunsley.
- Q Where do these sisters live? A In Noxubee County, one here.
- Q Which one lives here? A Roxanna Brown.
- Q They are half sisters by your mother? A Yes, sir.
- Q They have no Choctaw blood? A Not as I know of, sir.
- Q Now, you have named your full brothers, four of them? A Yes, sir.
- Q Are any of them dead? A One dead.
- Q Which one? A I ain't got but three living.
- Q Which one of these four are dead? A John.
- Q Did he leave any children? A No, sir, didn't have any children at all.
- Q No further statements you want to make at this time in support of your application? A No, sir.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. S. Straub, having been first duly sworn, and his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 15th day of February, 1902, at Meridian, Mississippi and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Straub*

Subscribed and sworn to before me at Seale, Mississippi, this 13th day of March, 1902.

*J. B. Manning*  
Clerk U. S. Circuit Court  
Southern District of Mississippi,

By *J. B. Manning*

Deputy.

Miss. Choctaw 4738

Muskogee, Indian Territory, April 22, 1902.

Joseph C. Williams,  
Biglake, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 19, inclosing certified copy of marriage license and certificate between Jo Williams and Malinda Harrison. You also give the names of certain witnesses who, you say, will testify in your case.

In reply to your letter you are advised that the certified copy of marriage license and certificate has been filed with the record in the matter of your application for the identification of yourself and your children as Mississippi Choctaw. If you wish to offer the testimony of Jeff Williams and Anderson Cotton in support of your claim, the Commission will hear them, upon their personal appearance at its office at Meridian, Mississippi, prior to April 30, 1902. If you cannot secure the personal attendance of your witnesses for any reason, which, under the rules of the Commission would constitute inability, their depositions will be considered, if taken in accordance with the rules and regulations governing the taking of depositions in support of applications for identification as Miss-

J.C.W. 2

Mississippi Choctaws, a copy of which is herewith inclosed for your information.

Yours truly,

Acting Chairman.

Rules for taking  
depositions.

Muskogee, Indian Territory, October 27, 1902.

Joseph C. Williams,  
Doelake, Mississippi.

Dear Sir:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jeff Williams, et al., embracing the following applications for identification as Mississippi Choctaws:

Jeff Williams, et al., M.C.R. 4796  
Joseph C. Williams, et al., M.C.R. 4796

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 Jeff Williams, Tom Jeff Williams, Joseph C. Williams, John H. Williams, Etta Williams, Joseph C. Williams, Jr., and Hattie Williams, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for



J.C.7.---2

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,

Yours,

Registered.

Commissioner in Charge.

M. C. K. 4795  
" 4796

Muskogee, Indian Territory, November 29, 1902.

Joseph C. Williams,

Beelake, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, enclosing the affidavit of Tiler Pain and Marry Pain, offered for filing in the Mississippi Choctaw case of Jeff Williams, et al., and the same is returned to you herewith for the reason that the fifteen days heretofore granted the applicants in this case within which to file arguments in support of their claims, expired on November 11, 1902.

On November 12, 1902, the record was forwarded to the Secretary of the Interior for review, and pending his action thereon the Commission cannot receive or consider further evidence.

Respectfully,

Acting Chairman.

Enc.  
R. B. E. 202.

M.C.R. 4796

Muskogee, Indian Territory, March 6, 1903.

Joseph C. Williams,  
Beelake, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jeff Williams, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

Chairman.

M.C.R. 4795

Muskogee, Indian Territory, March 6, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jeff Williams, et al., of which decision you were advised by mail on the 27th day of October, 1902.

Respectfully,

Chairman.

#1917

No. 4736

For Identification as a Mississippi Choctaw.  
Meridian Miss.

Date FEB 15 1902

Name Joseph C. Williams

Age 37 Blood

Post Office, Neshoba, Miss.

Father: J. H. Williams 1/2 S

Mother: R. H. Halsey S

Claims through  
wife Muriel Williams S  
his claim for wife.

Union ...

Children:

John A. Williams 19

Etta " 16

Joseph C. " Jr 14

Hattie " 12

Stenographer

R. J. Atwell

Choctaw MCR 4797

Josephine C. Thomas

MCR 4797

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

---0---

In the matter of the application of Josephine C. Thomas,  
et al., for identification as Mississippi Choctaws, M.C.R. 4797.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the case of  
Josephine C. Thomas, et al.

(Page)

Original application of Josephine C. Thomas, et al., before the Dawes Commission for identification as Mississippi Choctaws .....	1
Decision of the Commission refusing the application of Josephine C. Thomas, et al., for identification as Mississippi Choctaws .....	10

-----0-----

11-107

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 15, 1902.

In the matter of the application of Josephine Thomas  
for the identification of herself and four minor children, Laura,  
Lillie, Ruth and Isaac Jr., as Mississippian Choctaws.

Josephine Thomas, having been first duly sworn, upon her  
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Josephine T. Thomas.  
Q How old are you? A Thirty seven.  
Q How much Choctaw blood have you? A I don't know, sir, exactly.  
Q What's your post office address? A Meridian, Mississippi.  
Q How long have you lived in Meridian? A Ever since I been born; I  
was born in Meridian.  
Q What's your street address? A I don't know, sir, exactly; we live  
just one the outside of the corporation.  
Q Do you get your mail at the General Delivery? A No, sir, we have  
to come to the post office.  
Q Is your father living? A No, sir, he's dead.  
Q What wa his name? A Nathan Creighton.  
Q Is your mother living? A No, sir.  
Q What was her name? A Louisa Creighton.  
Q Through which one of your parents do you get your Choctaw blood?  
A Through my father.  
Q Where was he born? A I don't know, sir, exactly where he was born.  
Q Where did he live during his life time? A I forget the name of the  
place he come from; that's been so long ago.  
Q Did he live in this State all his life? A No, sir.  
Q What State did he come from? A I can't just now remember.  
Q How long has he lived here? A He has been living here for ever si  
since I was born; I don't know how long before.  
Q Was your father a slave? A Yes, sir, he was stolen and brought  
here and sold to the white people just before the surrender.  
Q Well, he was a slave then, wasn't he? A Yes, sir a while.  
Q Where was he stolen? A I don't know, sir / I disremember where  
where the place was.  
Q Do you know the names of either one of your father's parents?  
A I heard him call his mother's name.  
Q What was her name? A Martha Creighton.  
Q Did you ever see her? A No, sir, she was dead before I was born.  
Q Where did she live? A I don't know, sir, where she lived.  
Q What state, do you know? A No, sir, I can't remember that.  
Q Was she a slave? A Not as I knows of.  
Q How much Choctaw blood did she have? A I don't know, sir, exactly  
myself; my witnesses can tell more about that than I can.  
Q Haven't you any idea how much Choctaw blood Martha Creighton had?  
A No, sir, not myself, I haven't; I was so small.



Josephine Thomas, et al., 2.

- Q Do you know, as a matter of fact, that she did have any Choctaw blood at all? A Yes, sir, from what I can learn by other people that knowed her.
- Q Do you know the name of either one of her parents? A No, sir.
- Q Were your father and mother lawfully married? A Yes, sir.
- Q How do you know? A That's what I heard the white people say.
- Q They were both slaves, weren't they? A Yes, sir, they were both stolen and brought here and sold.
- Q How long did they live together after the surrender? A Until I was t elve years old, and he died and left her, and then she died.
- Q How many children did they raise besides you? A Four more besides me; I am the oldest.
- Q Are you married? A Yes, sir.
- Q Is your husband living? A Yes, sir.
- Q What's his name? A Isaac Thomas.
- Q You make no claim for him? A No, sir.
- Q How many children have you living? A Four.
- Q What are their names and ages? A Laura Thomas.
- Q How old? A About 17 years old.
- Q Next one? A Lillie Thomas? A
- Q How old? A About twelve.
- Q Next one? A Ruth Thomas.
- Q How old? A Eight years old.
- Q Next one? A Isaac Thomas Jr.
- Q How old? A He is four years old.
- Q Just one boy in the lot? A Yes, sir.
- Q That all of your children? A Yes, sir.
- Q Are they all living with you at t is time? A Yes, sir.
- Q Are they all the children of yourself and Isaac Thomas? A Yes, sir.
- Q You call this boy Issac Thomas Jr., do you? A Yes, sir.
- Q This application, then, is for yourself and four minor children? A Yes, sir.
- Q Is your name, or the name of any one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory? A I don't know.
- Q Has any application ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claimin rights in the Choctaw lands in Indian Territory for yourself and four minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir, I don't understand it.

The treaty of Dancing Rabbit Creek was entered into here between the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation,

Josephine Thomas, et al., 3.

Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

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

Q Do you understand that 14th article now? A No sir.  
Q You don't understand it yet? A No, sir, not exactly.

If a Choctaw Indian who lived here seventy one years ago, decided that he wanted to stay here in the place of moving out to the new country west of the Mississippi River, and wanted to take land here under the 14th article he was ~~was~~ required by the terms of that article to let the agent of the Government here in Mississippi for the Choctaws know that he wanted to stay here, and he was required to let him know within six months after the treaty was ratified, February 24, 1831. After he had so let the agent know that he wanted to stay here he was entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner he was entitled to one-half that quantity for each unmarried child which was living with him over ten years of age on the 27th day of September, 1830, the day this treaty was ratified; and he was entitled to a quarter section for each child under ten years of age on that day. The reservations for these children were required by that 14th article to adjoin the location of the parent, and these reservations were required to include the improvement of the head of the family as it is listed on the 27th day of September, 1830, the day the treaty was made. Now, if the Indian lived on that land intending to become

Josephine Thomas, et al., 4.

citizens of the States for five years from February 24, 1831, the day the treaty was ratified, he was entitled to a grant in fee simple for the land; that is, the Government would give him the land and he would get a deed or patent for it. That 14th article provided further that persons who claimed under that article should not lose the privilege of a Choctaw citizen, but if they ever removed out to the new country west of the Mississippi River, they should not, by reason of their having claimed under that 14th article lose the privilege of a Choctaw citizen, but should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid to the Choctaws each year by the Government under treaty provisions.

- Q Now, did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article, or ever receive any benefits thereunder? A Not as I knows of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A Not as I knows of.
- Q Did any of them, in fact, live here at that time, seventy one years ago? A Yes, sir, I guess so.
- Q Who? A Father and mother.
- Q Seventy one years ago? A I reckon so.
- Q Where did they live at that time? A Out to Mr. Sim's place.
- Q In this county? A Yes, sir.
- Q They were in slavery at that time, weren't they? A Yes, sir.
- Q Did any of your Choctaw ancestors remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1832 and 1838? A Not as I knows of. They left here, but I don't know
- Q ~~Which one of your ancestors left here?~~
- Q Which one of your ancestors left here? A My pa's sisters and brothers.
- Q Where did they go? A I don't know, sir, where they did go; I was small when they left.
- Q They left here with the Indians? A No, sir.
- Q Did any of your Choctaw ancestors, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A I don't know, sir.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I knows of.
- Q Did any of them ever get any land from the Government under any other article of that treaty? A Not that I knows anything about.
- Q Any of them ever get any money from the Government? A No, sir, not that I knows of.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take

Josephine Thomas, et al., 8.

land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were appointed by the President and they came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know anything about.

An Act of Congress approved on the 23rd day of August 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with 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 in the place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana, or Arkansas from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A Not as I know anything about.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know whether he knows or not.

Q What's the name of this witness? A Nathan Clement.

Q How old is he? A I don't know, sir, how old he is.

Q What do you expect to prove by him? A He knows more about it all than I do, because my grand mother raised him.

Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No, sir, I don't know of any.

Josephine Thomas, et al., G.

- Q Have you any written evidence of any kind to offer at this time?  
A No, sir.  
Q How many witnesses have you here? A Only one.

If you should find any other witnesses whose testimony you desire to have taken in support of this application, they may appear before the Commission at any of its appointments here in Mississippi this spring or winter, or within a reasonable an time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time in support of your application? A No, sir.  
Q Do you speak or understand the Choctaw language? A No, sir.  
Q Have you any brothers living? A Two brothers living.  
Q What are their names? A One is named Thomas Creighton.  
Q Next one? A William.  
Q Have they been before the Commission? A No, sir.  
Q Have you any sisters living? A Two.  
Q What are their names? A One named Martha, after my grand mother.  
Q Next one? A Luella, after my mother.  
Q Are they married? A One of them is married.  
Q Which one? A The oldest one is married.  
Q What's the name of the one that's married? A Martha High.  
Q Have you any brothers or sisters dead? A One brother dead.  
Q Did he leave any children? A No, sir, he died when he was quite small.  
Q Are any of your father's brothers or sisters living? A I don't know, sir, whether they are ax living now or not; they was a while back.  
Q Where? A None in this place at all.  
Q Where? A I don't know exactly where they is now; the last I heard one was in Vicksburg.  
Q Brother or sister? A Sister.  
Q What was her name? A Harriet Sims.  
Q What's the name of the other one? A The other one - I forget her name.

(This applicant has the appearance of being a full blood negro, although her hair is somewhat inclined to be straight. She does not speak or understand the Choctaw language.)

(Applicant Excused.)

Nathan Clement, having been first duly called as a witness in behalf of the above named applicant, upon his oath testified as follows:

Examination by the Commission:

- Q What is your name? A Nathan Clement.

Josephine Thomas, et al., 7.

- Q How old are you? A About sixty five.
- Q What's your post office address? A Right here at Meridian.
- Q How long have you lived here? A About, I reckon - about fifty eight years. Not right here in this place, about three miles from here, but I have been living here in town since before the surrender.
- Q Were you a slave? A Yes, sir.
- Q You have no Indian blood have you? A Not as I know anything about.
- Q What's your occupation? A Carpenter.
- Q Were you acquainted with Josephine Thomas who appeared before the Commission? A Yes, sir.
- Q How long have you known her? A Been knowing her ever since she was brought into the world.
- Q Are you any kin to her? A No, sir, she and me belonged to the same man; we were raised up together.
- Q You mean her or her father? A Her father.
- Q Are you interested in any way in the result of her application?
- A No.
- Q Well, you say you are acquainted with her father? A We grewed up children together.
- Q What was his name? A Went by the name of Nathan Creighton.
- Q Was Nathan older or younger than you? A About a year or two older.
- Q Do you know where he was born? A He was born in Georgia.
- Q What place? A In Warren County, - I think it was in Georgia, but we come to this country - I was five years old, and he was, of course, older than I was.
- Q You came together? A Yes, sir, our master moved out here about fifty eight years ago, about ten years before the Injuns were moved out of this country.
- Q Did you know Nathan's father or mother? A His father, yes sir, I knowed his father and mother.
- Q What was his father's name? A His name was Gabriel Creighton.
- Q What was his mother's name? A Martha Sims.
- Q Were you pretty well acquainted with Martha? A She raised me.
- Q Where was Martha born, do you know? A No, sir, I couldn't tell you where she was born at.
- Q How long did she live in Georgia before Nathan was born? A She was a young woman then. Just a young woman when we come to this country.
- Q You don't know how long she had lived in Georgia before you came out here? A No, sir, don't know.
- Q Did she have any Indian blood? A She was just like the Indians; I don't know; you couldn't tell her from an Injun - straight hair and coarse hair.
- Q Was she a slave? A Yes, sir.
- Q She must have had some negro blood? A I couldn't tell you, but she was just that way, they was always in there and stayed around her.
- Q She never had lived in Mississippi before she come here? A I couldn't tell you anything about that; I don't know anything about her more than she come to this country out here together.
- Q Could she speak the Choctaw Indian language when she came to this country? A I don't know sir. I was small.
- Q Did you ever hear her say her parents - who they were - her father and mother? A No sir.
- Q Don't know anything about them? A No, sir, they always called her old Injun woman.
- Q Call Martha? A Yes, sir.



Josephine Thomas, et al., 8.

Q Now, have you any idea how much Indian blood she had? A Well, I couldn't tell you, for I don't know. I couldn't tell you, because if you seen her would said all, and this remembrance with her you would said it was all.

Q You don't know what kind of Indian she was? A Choctaw.

Q How do you know she was? A That's what they all claimed.

Q Who claimed it? A When they was all here together, they used to call her, and say she was Choctaw. The Indians away back yonder when they was here stayed there night and day, and she with them, and they with her, and they stayed to her house more than they did to anybody else's house.

Q You never heard of a Choctaw Indian over in Georgia? A No, sir, never saw none until I come to this country when I was small; I was afeared of them as anything.

Q You don't know where Martha was living seventy one years ago, do you? A No, sir, I couldn't tell you, because at that time, my recollection - I was small when we come to this country; I can't just remember good when we come out here, and I have been living out here on Oktibbeha about three miles from here.

Q You don't know whether she ever lived in Mississippi before she come here fifty eight years ago with you or not? A No, sir, I do not.

Q Didn't you ever hear whether she was born in Georgia? A No, sir, I don't know.

Q If she had ever been here before, you would probably have heard about it, wouldn't you? A Well, I don't know, sir, not at that time.

Q When did Martha die? A She died since the surrender.

Q Did you ever hear of her getting any land here in Mississippi from the Government of the United States? A No, sir.

Q She never got any? A No, sir.

Q You are sure of that? A Not as I ever knowed of.

Q Did she ever own any land here in Mississippi? A No, sir.

Q Never owned any land anywhere? A No, sir.

Q Did she ever get any money from the Government? A Not as I knows of.

Q Did she ever claim any land from the Government? A No, sir, not as I knows anything about. I know she was here, because when she left here, she left my old master's place and she went to Vicksburg.

Q After the surrender? A Yes, sir, she had three sons of down there.

Q Well, were Nathan and Louisa married? A Yes, sir.

Q Were they married under a license? A No, sir. I tell you how they married in them days; they didn't marry like they do now.

Q Were they married according to the custom among slaves at that time? A Yes, sir.

Q How long did they live together? A Until they died; her husband died first, and then she died, I reckon, about six or seven years ago - the mother of this girl here died.

Q Do you know anything more about this case? A No, sir.

Q Told all you know? A I think I have told you all I know about it anyway.

Q You are sure she never got any land from the Government under any old treaty? A No, sir.

(This applicant is a negro of average intelligence.)

Josephine Thomas, et al., 9.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 15th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Seale, Mississippi, this 14th day of March, 1902.

*L. B. Massey*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *J. M. ...*

Deputy.



J. F. M.  
C. W.

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

---o---

In the matter of the application of Josephine C. Thomas,  
et al., for identification as Mississippi Choctaws, M.C.R. 4797.

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

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Josephine C. Thomas for herself and her four minor children, Laura, Lillie, Ruth and Isaac Thomas Jr., 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 Martha Creighton (nee Sims), 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 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 Martha Creighton (nee Sims) signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 160) and August 23, 1842 (5 Stats., 613).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Josephine C. Thomas, Laura Thomas, Lillie Thomas, Ruth Thomas and Isaac Thomas Jr., as Choctaw Indians entitled to rights in the Choctaw

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tame Bixby.*  
Acting Chairman.

(SIGNED)

*T. B. McMillan.*  
Commissioner.

*C. R. Breckinridge.*  
Commissioner.

Muskogee, Indian Territory,

OCT 29 1907

Muskogee, Indian Territory, October 29, 1902.

Josephine C. Thomas,  
Veridian, Mississippi.

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 case of Josephine C. Thomas et al., applicants to the Commission for identification as Mississippi Choctaw.

This application was 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 Josephine C. Thomas, Laura Thomas, Lillie Thomas, Ruth Thomas and Isaac Thomas Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

-2-

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

Respectfully,

(S)

*James H. ...*  
Acting Chairman.

Registered.

COPY,

Muskogee, Indian Territory, October 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 October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Josephine C. Thomas, 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, 1897 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and 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 Josephine C. Thomas, Laura Thomas, Lillie Thomas, Ruth Thomas and Isaac Thomas Jr., as Choctaw Indians entitled 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

-2-

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

Respectfully,

*Tamie Kirby*  
Acting Chairman.

COPY

Muskogee, Indian Territory, November 14, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Josephine C. Thomas, et al., applicants to the Commission for identification of Mississippi Choctaws, including the decision of the Commission of October 29, 1908.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaws and other associations 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. I.C.R. 4797.



( COPY )

Land.  
68,825-1902.

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 Josephine C. Thomas for the identification of herself and her four minor children, Laura, Lillie, Ruth and Isaac Thomas, Jr., as Mississippi Choctaws.

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

An examination of the record evidence shows that the applicants claim to have derived their Choctaw blood from one Martha Creighton nee Sims, but the record evidence nowhere shows that the said Martha Creighton or Sims ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830 or received a patent for land thereunder, and an examination of the office records does not show that she ever complied with said

-:- 2 -:-

provisions or received a patent for land by reason thereof.

The record evidence in no way supports the claim of these applicants and the office therefore concludes that their application should be refused and recommends that the decision of the Commission be affirmed by the Department.

Very respectfully,

Commissioner.

(W.C.B.)

P.

( C O P Y )

D.C. 7803.

I.T.D. 2046-1903. DEPARTMENT OF THE INTERIOR.

FHE

L.R.S.

W A S H I N G T O N .

March 18, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 14, 1902, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Josephine C. Thomas ( M C R 4797 ), for herself and her four minor children, Laura, Lillie, Ruth and Isaac Thomas, Jr., including your decision of October 29, 1902, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Martha Creighton (nee Sims), who is alleged to have been a Choctaw Indian (degree of blood not stated). The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that their alleged ancestor complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts relating thereto.

Reporting in the matter February 19, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed. The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 4787

Waskie, Indian Territory, March 26, 1903.

W. H. Field, Conway & Cornish,

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

Gentlemen:

You are hereby notified that on the 18th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission regarding the application for identification as Mississippi electors of the several persons included in the case of Josephine G. Thomas, et al., of which decision you were advised by mail on the 29th day of October, 1902.

Respectfully,

*Yancey Dickey.*  
Chairman.

COMMISSIONER  
TAMM DUDLEY  
DEPARTMENT OF THE INTERIOR  
WASHINGTON, D. C.  
W. F. SWANLEY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

M.C.R. 4797

ALL SENT BY REGISTERED MAIL  
EXCEPT WHERE SHOWN OTHERWISE

Muskogee, Indian Territory, March 26, 1903.

Josephine C. Thomas,  
5 Meridian, Mississippi.

Dear Madam:

You are hereby notified that on the 18th 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 Josephine C. Thomas, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,



Chairman.

M C R 4797

Muskogee, Indian Territory, July 29, 1903.

Sam Wilson,  
Ravia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th instant, wherein you ask if Joisfeen Thomas and her children, Jeff Sampson, Locenty and Rose have been identified as Mississippi Choctaws. You state that Joisfeen died July 16, 1902.

In reply you are informed that it does not appear from our records that any person bearing any of the above names is an applicant to this Commission for identification as a Mississippi Choctaw.

Our records do show, however, that on February 15, 1902, Josephine Thomas, thirty-seven years of age, made application to this Commission for the identification of herself and four minor children as Mississippi Choctaws, and on March 18, 1903, the Secretary of the Interior approved the decision of the Commission refusing this application, of which departmental action the principal applicant was duly notified on March 26, 1903.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 26, 1904.

Thompson Hotel,

Nowata, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you ask if the name of Mrs. Josephine Thomas has been approved by the Secretary of the Interior as Chickasaw Choctaw.

In reply to your letter you are informed that on March 18, 1903, the Secretary of the Interior approved the decision of the Commission, refusing the application made to this Commission by Josephine C. Thomas for the identification of herself and minor children, Laura, Lillie, Weta and Isaac Thomas, Jr., as Chickasaw Choctaws, of which Departmental action you was notified on March 26, 1903, at Meridian, Mississippi, said letter being returned to this office, marked "unclaimed."

The Commission now considers this case closed, and it is not believed that Josephine C. Thomas and her minor children are in any manner entitled to possessory rights in the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

Muskogee, Indian Territory, August 6, 1904.

P. B. H. Shearer,  
Attorney at Law,  
Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, in which you state that it seems that in 1901 at Meridian, Mississippi, Mrs. Josephine Thomas, a full blood Mississippi Choctaw, made application for the identification of herself, and four children, Jeff Sampson, Miles Davis, Lucinda and Rose Thomas; that Mrs. Thomas died in 1902, and that if any further proof is needed in her case you would like to be advised of the fact.

In reply you are informed that it does not appear from our records that any person bearing any of the above names is an applicant to this Commission for identification as a Mississippi Choctaw.

Our records do show, however, that on February 15, 1902, Josephine C. Thomas, thirty-seven years of age, wife of Isaac Thomas, made application to this Commission at Meridian, Mississippi, for the identification of herself and four minor children, Laura, Lillie, Ruth and Isaac, (Jr.) Thomas, as Mississippi Choctaws.

On March 18, 1903, the Secretary of the Interior approved



P B H S 2

the decision of the Commission refusing this application, of which departmental action the applicants were duly notified on March 26, 1903. The Commission considers this case closed.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, January 13, 1905.

C. H. Victor,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 27, 1904, in which you ask if this office has any record of an application for the identification of Jeff Sampson, Marl or Mon Davis, Sindy Thomas and Rosell Thomas, as Mississippi Choctaws. You state that the mother of the above named children is Josephine Thomas, daughter of Sam Parker.

In reply you are informed that the records of this office have been carefully examined and it does not appear that any application has ever been made to this Commission by or on behalf of any of the above named persons for identification as Mississippi Choctaws.

Respectfully,

Chairman.

No.

2107

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

FEB 11 1902

Name Josephine Thomas

Age 27

Blood

Post Office, Meridian, Miss.

Father: Nathan Brighton D

Mother: Louisa " D

Claims through father.

Husband: Isaac Thomas D

no claim for husband.

Claims

Children:

- Laura Thomas 17
- Lillie " 12
- Ruth " 8
- Isaac " Jr 4

Father's mother: Martha Brighton D

Stenographer

R. S. Smith

4797

REGION 10 IP

B. L. E. M.

MAY 4 1903

CH



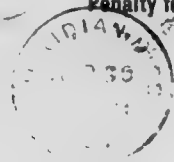
Department of the Interior.

Commissioner of the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Josephine C. Thomas,  
Meridian, Mississippi.

Choctaw MCR 4798

John Hampton

See MCR 4799, 4800

MCR 4798

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

- - - - -

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

John Hampton,	M C R 4798
Dan Hampton,	M C R 4799
Dook Hampton, et al.,	M C R 4800

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

	Page.
Original application of John Hampton before the Commission for identification as a Mississippi Choctaw .....	1
Original application of Dan Hampton before the Commission for identification as a Mississippi Choctaw .....	7
Original application of Dook Hampton, et al., before the Commission for identification as Mississippi Choctaws .....	10
Decision of the Commission refusing the consolidated applications of John Hampton, et al., for identification as Mississippi Choctaws .....	13

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 15, 1902.

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

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

Examination by the Commission.

- Q What is your name? A John Hampton.  
Q How old are you? A Fifty seven.  
Q How much Choctaw blood have you? A One half.  
Q What's your post office address? A Greenwood, Mississippi, Le-  
flore County.  
Q How long have you lived in Leflore County? A Nine years.  
Q Where did you live before that? A In Mississippi - Yalobusha  
County.  
Q How long did you live in that County? A All my life; born and  
raised there.  
Q Were you a slave? A Well, I suppose so; I was born about in  
slavery times.  
Q Is your father living? A No, sir.  
Q What was his name? A John Hampton.  
Q Is your mother living? A No, sir.  
Q What was her name? A Mary Williams.  
Q Through which one of your parents do you get your Choctaw blood?  
A My father.  
Q When did your father die? A I don't know, sir, I don't know that  
he has ever died; I never saw him.  
Q Do you know how old he would be if he were living now? A No, sir.  
Q Have you no idea? A No, sir.  
Q Where did he live? A I don't know, sir.  
Q Know nothing whatever about him? A No, sir.  
Q How do you know then he had Indian blood? A My mother has told  
me; I asked her who was my father, and she told me Indian was my father  
at several times.  
Q You are the only child she had by this Indian? A Yes, sir.  
Q How long has your mother been dead? A Nearly twenty years.  
Q Where did she first tell you that your father was an Indian?  
Q When I was quite a chap - when she first told me, and she told me  
once when I was a man.  
Q Did she say what kind of an Indian your father was? A Choctaw  
Indian.  
Q Where did your mother live? A Yalobusha County.  
Q Do you know the names of any of the ancestors of this Indian  
whom you claim was your father? A No, sir.  
Q Did he have any other name besides John Hampton? A No, sir,  
that's all I know anything about.  
Q You never saw him? A No, sir, he left before I was born.



John Hampton, 2.

- Q She wasn't married to him? A Well, I don't know, sir, more --
- Q Didn't you ever hear her say? A Never heard her say.
- Q She never had any other children by him but you? A No, sir.
- Q She married again while he was living did she not? A Yes, sir.
- Q How long after you were born was it that she married? A I can't answer that.
- Q About how long after you were born did she marry? A When I could remember she was married. But I couldn't answer that question.
- Q You don't know whether she ever lived with Indian as husband and wife? A No, sir, I do not.
- Q Your mother was a slave, was she not? A Yes, sir.
- Q Are you married? A Yes, sir.
- Q Wife living? A Yes, sir.
- Q Was she any Choctaw blood? A No, sir.
- Q You make no claim for her then? A None at all.
- Q Have you any children under age? A No, sir.
- Q This application, then, is for yourself only? A Only, yes, sir.
- Q Have you any children over age? A Three.
- Q Have you been married more than once? A Yes, sir.
- Q Are all those children by the same mother? A Yes, sir.
- Q What's her name? A Annie Williams.
- Q Is she your present wife? A Yes, sir.
- Q Were you married to her under a license? A Yes, sir.
- Q Where? A At Y lobusha County.
- Q Who married you? A I don't know that I could answer that - a preacher, though.
- Q You haven't that license with you now? A No, sir, I haven't my license with me.

In connection with the application which may be made for your two sons who are here with you now, it will be necessary that proper evidence of your marriage to your wife, be furnished the Commission.

Q

- Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, sir.
- Q Was any application been made before to-day in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of ~~establishing~~ claiming land in the Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by

John Hampton, 3.

by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here that is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be 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 land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek. Do you think you understand it? A No, sir.

If a Choctaw who lived here in Mississippi seventy one years ago, desired to stay here and become a citizen of the States and take land under that 14th article, he was required by the terms of that article to let the agent of the Government here in Mississippi for the Choctaws here at that time know that he wanted to stay here, and he must let the agent know that he wanted to stay here within six months from the time this treaty was ratified, February 24, 1831, and he was then entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, and he was likewise entitled to one-half that amount for each unmarried child which was living with him over ten years of age on the 27th day of September, 1830 the day this treaty was made, and for each child under ten years of age on that day, he was entitled to a quarter section, or one hundred and sixty acres of land, and those reservations for the children were required by the 14th article to adjoin the location of the parent, and the reservation of the parent at that time was required to cover the improvement that he had as it existed on the 27th day of September, 1830, the day the

John Hampton, et al., 4.

treaty was made. Now, if the Indian lived on that land for five years from February 24, 1831, the day the treaty was ratified, in that case he was entitled to a grant in fee simple for the land; that is the Government would give him a deed to the land, and the land became the property of the Indian. Now, the 14th article said further that persons who claimed under that article should not lose the privilege of a Choctaw citizen, but if they ever removed were not to be entitled to any portion of the Choctaw annuity. That is, persons who stayed here and took land under that 14th article should not lose the privilege of a Choctaw citizen, but if they ever moved out to the new country west of the Mississippi River, they were not to be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money which becomes due each year to the Indians from the Government of the United States under treaty provisions.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A No, sir.

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

Q Did any of them, in fact, live here at that time? A I don't know, sir.

Q Did any of them remove to the present Choctaw Agency, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?

A I don't know, sir.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was made, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land?

A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi, from the Government of the United States, under article 14 of the treaty of Dancing Rabbit Creek? A No, as I know of.

Q Did any of them ever get any land from the Government here in Mississippi under any treaty? A Not as I know of.

Q Did any of them ever get any money from the Government? A I don't know, sir.

Q So far as you know, then, none of your ancestor is ever received any benefits whatever as Choctaw Indians? A No, sir, not so far as I know.

In accordance with the provisions of that 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government, the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land, and on

John Hampton, 5.

this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1833 and 1844, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of this 14th article, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

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

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

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A I don't know, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, not as I know.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir, I do not.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission at any of its appointments here in Mississippi this winter or spring, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

John Hampton, G.

Q Are there any further statements you would like to make at this time in support of your application? A No, sir, only this, that there is no man that knows by raising; knows my mother before I was born; he is really too old.

Q What's his name? A Jim Williams.

Q Is he a negro or white man? A Colored man.

Q Where does he live? A In Calhoun County.

Q What's his name? A Williamsville.

Q What would he know about your case more than you do? A I couldn't tell you.

Q How old is this man? A Well, he is ninety some odd, - very old man - very smart man.

Q Is there anything further you want to say? A No, sir, I don't know that there is anything else that I want to say. I just said all I know for the truth.

Q You have three children living? A Yes, sir.

Q What are their names? A Dan.

Q Next one? A The next oldest is Spencer.

Q Next one? A Dock Hampton.

Q Have you any children dead? A Yes, sir, one girl.

Q Did she leave any children? A No, sir, she wasn't grown.

Q You never had any full brothers or sisters? A No, sir, none but myself.

Q Do you speak or understand the Choctaw language? A No, sir, not that I know of.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates. His hair is almost straight. He does not speak or understand the Choctaw language.)

F. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 15th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*F. S. Streit*

Subscribed and sworn to before me at Beale, Mississippi, this 14th day of March 1902.

*L. B. Newby*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By

*Hampton*

Deputy.

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

*Ex. 101.*

-----

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

John Hampton,	M C R 4798
Dan Hampton,	M C R 4799
Doak Hampton, et al.,	M C R 4800

-----

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 John Hampton for himself; by Dan Hampton for himself, and by  
Doak Hampton for himself and his minor child, Annie Hampton, under  
the following provision of the act of Congress approved June 28,  
1898, (30 Stats., 495):

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

It also appears from the testimony that the principal  
applicant was born of a slave mother prior to the Emancipation

Proclamation and was himself a slave, and that the other applicants herein are his lineal descendants; and it does not appear from the records in the possession of the Commission that any one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 19, 1898 (30 Stats., 321).

It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of John Hampton, Ben Hampton, Dock Hampton and Annie Hampton as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

James L. ...  
Acting Chairman.

...  
Commissioner.

Muskogee, Indian Territory,

C. D. ...  
Commissioner.

JAN 14 1903

Land.  
7962-1903.

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, February 21, 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 John Hampton; Dan Hampton; and Dock Hampton, for himself and child, Annie Hampton, wherein a decision adverse to the applicants was rendered by the Commission on January 14, 1903.

An examination of the evidence in this case shows that the applicants are unable to give the names of their ancestors more remote than John Hampton, father of the principal applicant, and they are unable to testify that any Choctaw ancestor complied with the 14th article of the Choctaw treaty of 1830, or received benefits thereunder.

The Commission states in its decision that it is of the opinion that under the provisions of law under which this application is made, no freedman is entitled to identification as a Mississippi Choctaw and for this reason it refuses the claims of the applicants.

The amount of information which the applicants are able to



-2-

give with regard to their ancestors is so meagre that no adequate or exhaustive search can be made of the records of this office as to their identity as Mississippi Choctaws; a search has been made, however, for the name of John Hampton, father of the principal applicant, and it is not found included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for this reason, I have to recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

E.B.H. H'r.

D.C. 8043-1903.  
I.T.D. 2174-1903.  
IRS.

(Copy)

WHR.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, March 20, 1903.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 30, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of John Hampton, Dan Hampton, Doc' Hampton and Annie Hampton, together with your decision of January 14, 1903, refusing to identify them as such.

The principal applicant, John Hampton, the father and grandfather, respectively, of the other applicants, claims descent through his father, John Hampton, who is alleged to have been a full-blood Choctaw. From the testimony it appears that the mother of said principal applicant was a slave and that he himself was a slave.

An examination of the record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said John Hampton, through whom descent is claimed, or a less remote ancestor, complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

Reporting in the matter February 21, 1903, the Acting Commissioner of Indian Affairs stated:

"The amount of information which the applicants are able to give with regard to their ancestors is so meagre that no adequate or exhaustive search can be made of the records of this office as to their identity as Mississippi Choctaws; a search has been made, however, for the name of John Hampton, father of the principal applicant, and it is not found included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for this reason I have to recommend that the decision of the Commission rejecting these applicants be approved.

The Department concurs in the recommendation of the Acting Commissioner and your decision rejecting the application is accordingly hereby affirmed.

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

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

COMMISSIONERS  
JAMES B. DUFFY  
THOMAS M. NICHOLS  
C. P. HENNING  
W. J. STANLEY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

M. C. N. 4798

ARTHUR L. AYLESWORTH  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 27, 1903.

John Hampton,  
Greenwood, Mississippi.

Dear Sir:

You are hereby notified that on the 20th 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 John Hampton et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,



Chairman.

Muskogee, Indian Territory, January 14, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Hampton, et al., embracing the following applications for identification as Mississippi Choctaws:

John Hampton,	M.C.R. 4798
Dan Hampton,	M.C.R. 4799
Dock Hampton, et al.,	M.C.R. 4800

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).<sup>4</sup>

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of John Hampton, Dan Hampton, Dock Hampton and Annie Hampton as such should therefore be refused, and it is so ordered."

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

2-

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

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 14, 1903

John Hampton,  
Greenwood, Mississippi.

Dear Sir:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Hampton, et al., embracing the following applications for identification as Mississippi Choctaws:

John Hampton,	M.C.R. 4798
Dan Hampton,	M.C.R. 4799
Dock Hampton, et al.,	M.C.R. 4800

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

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

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of John Hampton, Dan Hampton, Dock Hampton and Annie Hampton as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

-2-

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

Respectfully,

Acting Chairman.

Registered.



COPY.

Washoe, Indian Territory, January 30, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of John Hampton, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 14, 1903.

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

John Hampton	M.C.R. 4758
Dan Hampton	M.C.R. 4799
Dock Hampton, et al.	M.C.R. 4800

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,

*Tamc Dixby.*

Acting Chairman.

Through the  
Commissioner of Indian Affairs.  
Enc. M.C.R. 4798

Muskogee, Indian Territory, March 27, 1903.

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

Gentlemen:

You are hereby notified that on the 20th day of March 1903, 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 John Hampton et al., of which decision you were advised by mail on the 14th day of January, 1903.

Respectfully,

James D. Smith,  
Chairman.

REFER TO M. C. R.

47 10

4

John Hampton (b. 1857) — John Hampton, 57. 1/2  
and wife  
Mary (Wells) (slave) — Annie Hampton

Dan Hampton 29 1/2  
wife  
Roxy Hampton

Spencer Hampton

Dock Hampton, 26 1/2  
wife  
Malinda Hampton

Annie Hampton (b. 1857)

INTERIOR,  
BUREAU OF LANDS.

FILED

APR 7 1903

*[Handwritten signature]*

CHAIRMAN

RECORDED



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

PAID



John Hampton,  
Greenwood, Mississippi.



605

4, 18



INTERIOR,  
REGISTERED MAIL  
50

190

RECEIVED

UNCLAIMED.



Department of the Interior.

Commission to the Five Civilized Tribes,

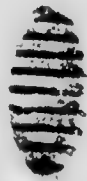
MUSKOCHEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

~~John H. ...~~

~~Greenwood, Mississippi~~





No. 2155

For Identification as a Mississippi Choctaw.

Meridian Miss

Date FEB 15 1902

Name

John Hampton

Age

57

Blood

1/2

Post Office,

Greenwood, Miss

Father:

John Hampton d

Mother:

Mary Williams d

Claims through father

See also survey map

Children:

Stenographer

R. S. Streit

Choctaw MCR 4799

Dan Hampton

See MCR 4798

MCR 4799

11-1111

7

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 15, 1902.

In the matter of the application of Dan Hampton for identification as a Mississippi Choctaw.

Dan Hampton having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Dan Hampton.  
Q How old are you? A Twenty nine.  
Q How much Choctaw blood have you? A One quarter.  
Q What's your post office address? A Greenwood, Mississippi, Leflore County.  
Q How long have you lived at Greenwood? A Nine years.  
Q Where did you live before that? A In Yalobusha County.  
Q How long did you live in that county? A All my life until about nine years ago.  
Q Is your father living? A Yes, sir.  
Q What's his name? A John Hampton.  
Q Is he the John Hampton who just appeared before the Commission? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What's her name? A Annie Hampton.  
Q She has no Choctaw blood? A Not that I know of.  
Q You get your Choctaw blood solely through your father? A Yes, sir.

It will be necessary for you to furnish the Commission with proper evidence of your father and mother. This evidence should be furnished within thirty days from this date, if possible.

- Q About how old a man is your father? A About fifty seven.  
Q Has he lived in this State all his life? A Yes, sir to my knowing.  
Q Through which one of his parents did he get his Choctaw blood? A His father.  
Q What was his name? A John Hampton.  
Q John Hampton, his father, was a full blood Choctaw, according to your statement? A Yes, sir.  
Q Did you ever see him? A No, sir, never did.  
Q Do you know anything about him? A No, sir, nothing only what I was told.  
Q It has always been your understanding that he was a full blood Choctaw? A Yes, sir.  
Q You don't know whether he and your father's mother were married? A No, sir.  
Q What was your father's mother's name? A Mary Williams.  
Q She and your father were slaves, were they not? A I don't know I reckon they were.

Dan Hampton, 2.

- Q Are you married? A Yes, sir.
- Q Wife living? A Yes, sir.
- Q What's her name? A Roxy Hampton.
- Q She has no Choctaw blood? A Not that I know of.
- Q You make no claim for her? A No, sir.
- Q Have you any children living? A No, sir.
- Q This application, then, is for yourself only, is it? A Yes, sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, sir.
- Q Has any application of any description ever been made before today for you for the purpose of establishing your rights as a Choctaw Indian? 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 article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand that 14th article? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A No, sir, not that I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in 1830, when this treaty was made? A No, sir, not that I know of.
- Q Did any of them, in fact live, here at that time? A No, sir, not that I know of.
- Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No, sir, not that I know of.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A No, sir.
- Q Do you know about that? A No, sir, not that I know of.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q Did any of them ever get any land here in Mississippi from the Government to your knowledge? A No, sir, not that I know of.
- Q Did any of them ever get any money from the Government? A No, sir, not that I know of.
- Q You have heard my explanation to your father as to the causes which brought about certain Acts of Congress between the years 1837 and 1842, providing for the appointment of commissioners to come down here and hear the Choctaw claims under article 14 of the treaty of Dancing Rabbit Creek, did you not? A Yes, sir.
- Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.
- Q Did any of them ever get any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A No, sir, not that I know of.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No, sir, not that I know of.
- Q Do you know of any written evidence of any kind which would prove

Dan Hampton, 3.

or tend to prove such a state of facts? A No, sir.

Q Any written evidence to offer at this time? A No, sir.

Q Any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken in support of your application by the Commission, they may appear before the Commission at any of its appointments here in Mississippi this winter or spring, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time? A No, sir, I believe not.

Q Any brothers living? A Yes, sir.

Q How many? A Two.

Q What are their names? A Spencer Hampton and Dock Hampton.

Q Is Dock here to-day? A Yes, sir.

Q You don't speak or understand the Choctaw language? A No, sir I wasn't taught it.

(This applicant has the appearance of being almost a full blood negro. He does not speak or understand the Choctaw language, and shows no indication of being possessed of Indian blood.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 15th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Seale, Mississippi,  
this 14th day of March, 1902.

*R. S. Streit*  
*L. B. Massey*  
Clerk U. S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.

Muskogee, Indian Territory, January 14, 1903.

Dan Hampton,  
Greenwood, Mississippi.

Dear Sir:

You are further advised that on the 14th day of January, 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Hampton, et al., embracing the following applications for identification as Mississippi Choctaws:

John Hampton,	M.C.R. 4798
Dan Hampton,	M.C.R. 4799
Dock Hampton, et al.,	M.C.R. 4800

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

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

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of John Hampton, Dan Hampton, Dock Hampton and Annie Hampton as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

-2-

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

Respectfully,

Acting Chairman.

Registered.

COMMISSIONER

TAMM

DEPARTMENT OF THE INTERIOR

WASHINGTON

DEPARTMENT OF THE INTERIOR  
COMMISSIONER OF THE FIVE CIVILIZED TRIBES

U. S. R. 4799

AT WASHINGTON

AT WASHINGTON

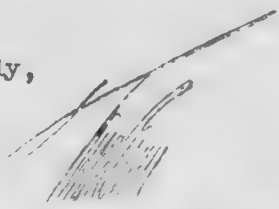
Muskogee, Indian Territory, March 27, 1903.

Dan Hampton,  
Greenwood Mississippi.

Dear Sir:

You are hereby notified that on the 20th 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 John Hampton et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,



Chairman.





1903

1903

11779

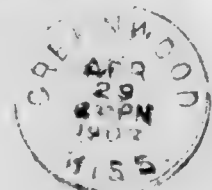
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



~~Don Hampton,~~

Greenwood, Mississippi.

1993  
F. I. ...  
APR 17 1993

CHAIRMAN

REGISTRATION  
MAR 25 1993  
MUSKOGEE, ALA

Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.



UNCLAIMED.

TERED

Dan Hampton,

~~Greenwood, Mississippi.~~

606

No. 27019

For Identification as a Mississippi Choctaw.  
Meridian Miss.

Date

FEB 17 1902

Name: Ann (Hampton)

Age: 29 Blood: 1/4

Post Office: Greenwood, Miss.

Father: John (Hampton) S

Mother: Annie " S

Claims through father.

wife, (Nancy Hampton) S  
No claims for her.

Children:

father.

Stenographer

R. J. Strick

Choctaw MCR 4800

Dock Hampton

See MCR 4798

MCR 4800

450

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 15, 1902.

In the matter of the application of Dock Hampton for the identification, as Mississippi Choctaws, of himself and minor child, Annie.

Dock Hampton having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Dock Hampton.  
Q How old are you? A About twenty six.  
Q How much Choctaw blood have you? A 1/4.  
Q What's your post office address? A Greenwood, Mississippi, Leflore County.  
Q How long have you lived in Leflore County? A Been there about a year and six months.  
Q Where did you live before that? A Yalobusha County.  
Q How long did you live in Yalobusha County? A All my days.  
Q Is your father living? A Yes, sir.  
Q What's his name? A John Hampton.  
Q Is he the John Hampton who appeared before the Commission today? A Yes, sir.  
Q Is your mother living? A Yes sir.  
Q What's her name? A Annie Hampton.  
Q Has she any Choctaw blood? A Not that I know of.  
Q What relation are you to Dan Hampton who just appeared before the Commission? A Brothers.  
Q Full brothers? A Yes, sir.  
Q Did your father live in Mississippi all his life? A Yes, sir.  
Q Through which one of his parents did he get his Choctaw blood?  
A His father.  
Q What was his name? A John Hampton.  
Q According to your statement your father's father John Hampton was a full blood Choctaw? A Yes, sir.  
Q Did you ever see him? A Never did.  
Q Do you know anything about him? A No, sir.  
Q Do you know whether he and your father's mother were married?  
A No, sir, I do not know.  
Q Are you married? A Yes, sir.  
Q Is your wife living? A Yes sir.  
Q What's your wife's name? A Malinda Hampton.  
Q Has she any Choctaw blood? A Not that I know of.  
Q You make no claim for her, then? A No, sir.  
Q Have you any children? A Yes, sir, one.  
Q What's that child's name and age? A Annie, six weeks old.  
Q This application is for yourself and one minor child? A Yes, sir.  
Q Were you married to your wife under a license? A I was, yes, sir.  
Q When? A In '98.  
Q Where? A Yalobusha County.  
Q Who married you? A Monroe Gillum.  
Q What's Monroe Gillum? A A Baptist preacher.

Dock Hampton, et al., 2.

Q Have you your marriage license and certificate with you at this time? A No, sir, I have not.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Malinda, for use in connection with the application which you make in behalf of this minor child. This evidence should be furnished within thirty days from this date, if possible.

Q Is your name, on any of the Choctaw tribal rolls in Indian Territory? A No, sir.

Q Has any application of any description been made for you before today for the purpose of establishing your rights as a Choctaw Indian? 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 article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No, sir, not that I know of.

Q Did any of your Choctaw ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama in 1830, when this treaty was made? A No, sir, not that I know of.

Q Did any of them, in fact, live here at that time? A Not that I know of.

Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A Not that I know of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A No, sir, not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

Q Did any of them ever get any land from the Government under any other provisions of that treaty? A No, sir, not that I know of.

Q Did any of them ever get any money from the Government to your knowledge? A No, sir.

Q So far as you know, then, none of your ancestors ever got any benefits whatever as Choctaw Indians? A No, sir.

Q You heard my explanation to your father as to the causes which brought about certain Acts of Congress between the years 1837 and 1842? A Yes, sir.

Q And the provisions of those Acts did you not? A Yes, sir.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, not as I know of.

Q Did any of them ever get any scrip from the Government of the United States under the Act of Congress approved August 23, 1842?



Dock Hampton, et al., 3.

Q No, sir, not that I knows of.

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

Q Do you know of any written evidence of any description which could prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission in support of your application they may appear before the Commission at any one of its appointments here in Mississippi this winter or spring or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time?

A No, sir.

Q Do you speak or understand the Choctaw language? A No, sir, I don't.

(This applicant has the appearance of being a full blood negro. He does not speak or understand the Choctaw language and shows no indication of being possessed of Indian blood.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 15th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Seale, Mississippi,  
this 14th day of March, 1902.

*R. S. Streit*  
*L. R. Marshall*  
Clerk U. S. Circuit Court,  
Southern District of Mississippi.

By *J. W. White*

Deputy.

Muskogee, Indian Territory, January 14, 1903.

Dock Hampton,  
Greenwood, Mississippi.

Dear Sir:

You are further advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Hampton, et al., embracing the following applications for identification as Mississippi Choctaws:

John Hampton,	M.C.R. 4798
Dan Hampton,	M.C.R. <del>4799</del>
Dock Hampton, et al.,	M.C.R. 4800

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

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

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw and that the applications of John Hampton, Dan Hampton, Dock Hampton and Annie Hampton as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

-2-

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

Respectfully,

Acting Chairman.

Registered.

COMMISSIONERS  
TAMM HENLY  
THOMAS J. NELSON  
C. R. BOGGS  
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

M. C. R. 4800

ALLEN L. AYERSWORTH  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

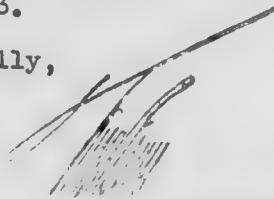
Muskogee, Indian Territory, March 27, 1903.

Dock Hampton,  
Greenwood Mississippi.

Dear Sir:

You are hereby notified that on the 20th 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 John Hampton et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,



Chairman.

No. 300

For Identification as a Mississippi Choctaw.  
*Meridian Miss*

Date FEB 15 1902

Name *Dock Hampton*

Age 26 Blood 1/4

Post Office, *Greenwood, Miss.*

Father: *John Hampton L*

Mother: *Annie " R*

Claims through father.

wife *Mariada Hampton L*  
No claim for wife

Uncles:

Children:

*Annie Hampton* 6 wks.

*fall*

Stenographer

*R. S. Street*

THE BOARD OF  
L. I. L. ...  
APR 7 1903

*Handwritten signature*

CHAIRMAN

RECORDED  
MAY 25 1903  
MUSKOGEE, IND

223

UNCLAIMED



Rock Hampton,  
Greenwood, Mississippi.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



607



NO. 1000  
GREENWOOD  
1900

CHAIRMAN

1000

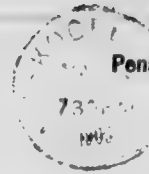


Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.



~~DOCK~~

Greenwood, Mississippi



Choctaw MCR 4801

Dorcas Skinner

See MCR 4802

MCR 4801

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

-----0-----

In the matter of the application of Dorcas Skinner, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of

Dorcas Skinner,                    M. C. R. 4801  
Willie Chew, et al.,            M. C. R. 4802.

-----0-----

List of papers forwarded to the secretary of the Interior,  
comprising the record in the consolidated case of  
Dorcas Skinner, et al.

-----0-----

	Page.
Original application of Dorcas Skinner to the Commission to the Five Civilized Tribes, for identification as a Mississippi Choctaw,.....	1
Original application of Willie Chew, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	7
Copy of marriage license of Willie Chew and Evelyn Williams, marked Exhibit "A",.....	11
Final decision of the Commission to the Five Civilized Tribes in the consolidated case of Dorcas Skinner, et al., applicants for iden- tification as Mississippi Choctaws, refusing said applications,.....	12

-----0-----

4314

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 15, 1902.

In the matter of the application of Dorcas Skinner for identification as a Mississippi Choctaw.

Appearances:

S. A. Beadle, Attorney for Applicant.  
A. W. Jones, Agent for Applicant.

Dorcas Skinner, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Dorcas Skinner.  
Q How old are you? A Fifty.  
Q How much Choctaw blood have you? A About 1/4, I reckon.  
Q What's your post office address? A Yazoo City, Mississippi, Yazoo County.  
Q How long have you lived in Yazoo County? A Born there.  
Q Lived there all your life? A All my life.  
Q Is your father living? A No, sir, my father's dead.  
Q What was his name? A Elijah Coates.  
Q Is your mother living? A No, sir, my mother's dead.  
Q What was her name? A Charlotte Coates.  
Q Through which one of your parents did you get your Choctaw blood?  
A My mother.  
Q How long has your mother been dead? A My mother died when I was ten years old.  
Q About how old was she when she died? A She died a young woman about twenty five years old.  
Q Where was she born? A In the State of Mississippi.  
Q What county? A Yazoo County, thirteen miles from Yazoo City.  
Q Did she live in that County all her life? A Yes, sir, to my knowing.  
Q Was she a slave? A Yes, sir.  
Q Were you? A I was too.  
Q Through which one of her parents did your mother get her Choctaw blood? A Her father.  
Q What was his name? A Marshall Lewis.  
Q Is he living? A No, sir.  
Q Did you ever see him? A No, sir.  
Q According to your statements, he must have been a full blood Choctaw? A Yes, sir.  
Q Did he have any other name besides Marshall Lewis? A That's all I ever heard.  
Q Where was he born? A I don't know, sir.  
Q Do you know where he lived during his life time? A No, sir, never did see him.  
Q Well, what was your mother's mother's name? A Her name was Dorcas.  
Q She was a slave woman, was she? A Yes, sir.

Dorcas Skinner, 2.

- Q Did she have any other children by this man, Marshall Lewis?  
A My mother said she had one brother.  
Q Full brother? A Yes, sir.  
Q Well, Dorcas wasn't married to this man Marshall? A Not that I know of.  
Q How long has Dorcas been dead? A Died before I was born; I don't remember her.  
Q You don't know the name of Marshall's father or mother, do you?  
A No sir.  
Q And you know nothing about where he lived or any of his people lived? A No, sir, I don't know none of his folks, only my mother - what I heard about her father - was all I heard her say.  
Q Could your mother talk the Choctaw language?  
A No, sir, I never did hear her.  
Q You can't? A No, sir.  
Q Are you married? A Yes, sir.  
Q Is your husband living? A Yes, sir.  
Q Has he any Choctaw blood? A No, sir.  
Q You make no claim for him then? A No, sir.  
Q What's his name? A His name is John Skinner.  
Q Has he been married more than once? A No, sir.  
Q Have you any children under age for whom you want to make application? A No, sir, my children's grown.  
Q This application is for yourself only? A Yes, sir.  
Q Is your name in any of the Choctaw tribal rolls in Indian Territory? A No, sir.  
Q Has any application of any description ever been made for you before to-day for the purpose of establishing your rights as a Choctaw Indian? 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 article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.  
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

\*Each Choctaw head of a family being desirous to remain

Dorcas Skinner, 3.

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

Q. I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek; do you think you understand it? A. I understand some of it.

If a Choctaw who lived here seventy one years ago preferred to stay here in Mississippi and not move out to the country west of the Mississippi River with the greater portion of the Choctaw tribe when they moved out there, he was entitled to do so, and under this 14th article he was entitled to receive certain land here in Mississippi from the Government upon certain conditions. First, if he wanted to stay here he was required by the 14th article to let the agent of the Government here in Mississippi for the Choctaws know that he wanted to stay here and he must so let the agent know that he wanted to stay here within six months from February 24, 1831, the day this treaty was ratified. After he had let this agent know that he wanted to stay here, he was entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, and if he had any children in his family over ten years of age on the 27th day of September, 1830, the day the treaty was made, he was entitled to a half section, of land; for such children as might be under ten years of age, on the 27th day of September, 1830, he was entitled to a quarter section of land. The reservations of these children were required by that 14th article to adjoin the location of the parent, and these reservations for these Indians were required by that article to include the improvement of the parent as it existed on the 27th day of September, 1830, the day this treaty was made. Now, I am talking about land here in Mississippi at that time. Now, if the Indian lived on that land for five years intending to become citizens of the States, in that case, he was entitled to a grant in fee simple; that is, the Government would give him a deed or patent to the land, and it became his. That 14th article

however, provided further that persons who claimed under that article should not lose the privilege of a Choctaw citizen, but if they ever removed, that is, if they ever went out to the new nation west of the Mississippi River, they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid to the Choctaws by the Government of the United States each year under the treaty provisions.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits under that article?

A Not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir, not that I know of.

Q Did any of them, in fact, live here at that time? A No, sir, not that I know of.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A Not that I know of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Or under any other provision in that treaty? A Not that I know of.

Q Did any of them ever get any money from the Government? A No, sir not to my knowing, they never

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become a citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed certain Acts which were approved between the years 1837, and 1842, providing for the appointment of commission-

Dorcas Skinner, sk 5.

ers to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they come down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, not as I know of.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with 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 in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir, not as I know of.

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

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses here today? A No, sir, I am unable to bring any witnesses.

If you should find any witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before the Commission at any of its appointments here in Mississippi this winter or spring, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time? A No, sir.

Q How many children have you living? A Five.

Q What are their names? A William Chas, who is here to-day.

Q Next one? A Elijah Skinner.

Q Next one? A Alice Matthews.



Dorcas Skinner, G.

- Q Next? A Wesley Skinner and Tom Skinner.  
Q Is that all? A Yes, sir.  
Q What's the name of the father of these children? A John Skinner.  
Q Is he the father of all of them? A Yes, sir, all except one.  
Q What's its name? A Monroe Chue.  
Q Did he have any Choctaw blood? A No, sir, not that I know of.  
Q Have you any children dead? A Two dead.  
Q Did they live to be grown? A One of them did.  
Q Did that one leave any children? A Left one.  
Q Is that child living? A Yes, sir.  
Q With whom? A With its mother.  
Q What was the name of this son? A Richard Skinner.  
Q What's its mother's name? A Her name is Daisy Skinner, but she married D. Newman.  
Q What's the name of the child? A Willie Skinner.  
Q Have you any brothers or sisters living? A No, sir, not a one.  
Q Did you ever have any? A Yes, sir, but they are all dead.  
Q Did any of them leave children? A No, sir, they all died small.  
Q Are any of your mother's brothers or sisters living? A No, sir, all my mother's brothers and sisters are dead.  
Q She never had a full brother or sister? A One full brother.  
Q What was his name? A Marshall Lewis, named after his father.  
Q Did he live to grow up? A Yes, sir, he lived to be a grown man.  
Q Did he leave any children? A No, sir, not that I know of.  
Q Any further statements you want to make? A No, sir.  
Q You don't speak or understand the Choctaw language? A No, sir.

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

R. S. Street, having been first duly sworn, and 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 the 15th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at *Heale*, Mississippi, this 14th day of March, 1902.

*R. S. Street*  
*L. B. Mosley*  
Clerk U. S. Circuit Court,  
Southern District of Mississippi,

By *J. M. Wain*

Deputy.

*copy.*

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

-----o-----

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

Dorcas Skinner,	M. C. R. 4801
Willie Chue, et al.,	M. C. R. 4802

-----o-----

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

It appears from the record herein that applications  
for identification as Mississippi Choctaws were made to this  
Commission by Dorcas Skinner for herself, and by Willie Chue  
for himself and his four minor children, Walter, Earl, Maggie  
and Bertha Chue, under the following provision of the act of  
Congress approved June 28, 1898 (30 Stats., 495):

"Said Commissioner shall have authority to de-  
termine the identity of Choctaw Indians claiming  
rights in the Choctaw lands under article four-  
teen of the treaty between the United States and  
the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and 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 Sep-  
tember twenty-seventh, eighteen hundred and thirty, by reason  
of being descendants of Marshall Lewis, who is alleged to have

2.

been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Marshall Lewis, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dorcas Skinner, Willie Chue, Walter Chue, Earl Chue, Maggie Chue and Bertha Chue as Choctaw Indians entitled to rights in the

3.

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.

*Tamc Parby*

Acting Chairman.

*T. D. Needles.*

Commissioner.

*C. R. Freckinridge*

Commissioner.

Muskogee, Indian Territory,

JAN 2 1903

Muskogee, Indian Territory, January 2, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Dorcas Skinner, et al., embracing the following applications for identification as Mississippi Choctaws:

Dorcas Skinner,	M.C.R. 4801
Willie Chue, et al.,	M.C.R. 4802

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

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

Respectfully,

James Dancy

Acting Chairman.

Muskogee, Indian Territory, January 2, 1903.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Dorcas Skinner, et al., embracing the following applications for identification as Mississippi Choctaws:

Dorcas Skinner,  
Willie Chue, et al.,

M.C.R. 4801  
M.C.R. 4802

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 Dorcas Skinner, Willie Chue, Walter Chue, Earl Chue, Maggie Chue and Bertha Chue as Choctaw Indians entitled 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."

S. A. Beadle-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,

*James D. Dineen*

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 2, 1903.

A. W. Jones, Agent,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Dorcas Skinner, et al., embracing the following applications for identification as Mississippi

Choctaws:

Dorcas Skinner,	M.C.R. 4801
Willie Chue, et al.,	M.C.R. 4802

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 Dorcas Skinner, Willie Chue, Walter Chue, Earl Chue, Maggie Chue and Bertha Chue as Choctaw Indians entitled to rights in the Choctaw



A. W. Jones-2

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

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

Respectfully,

*Wm. D. ...*

Acting Chairman.

Registered.

GOP.

Muskogee, Indian Territory, January 2, 1903.

Dorcas Skinner,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Dorcas Skinner, et al., embracing the following applications for identification as Mississippi Choctaws:

Dorcas Skinner,	M.C.R. 4801
Willie Chue, et al.,	M.C.R. 4802

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 Dorcas Skinner, Willie Chue, Walter Chue, Earl Chue, Maggie Chue and Bertha Chue as Choctaw Indians entitled 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."

Dorcas Skinner-2

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

Respectfully,

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Dorcas Skinner, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 29, 1903.

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

Dorcas Skinner	M.C.R. 4801
Willie Chue, et al.	M.C.R. 4802

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

Respectfully,

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.  
P. O. M.C.R. 4801

Land  
5074-1903.

C O P Y  
DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington,

March 10, 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 Dorcas Skinner, Willie Chue, for himself and his four children, Walter, Earl, Maggie and Bertha Chue, wherein a decision adverse to the applicants was rendered by the Commission on January 2, 1903.

The office has examined the evidence in this case and finds that the claim to identification of these applicants is based on their descent from one Marshall Lewis, who, it is alleged, was a Choctaw citizen and a resident of the States of Alabama or Mississippi in 1830.

The Commission states in its decision rejecting these applicants that its records do not show that Marshall Lewis or an ancestor less remote ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The office has searched its records for the name of Marshall Lewis and it is not found included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. 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. H'r.

3 enclosures.

D.C.No.9607-1903.

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

BAF.

I.T.D.2742-1903.  
L R S.

April 2, 1903.

Commission to the Five civilized Tribes,

Muskoge , I. T.

Gentlemen:

January 19, 1903, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws, of Dorcas Skinner, and of Willie Chue and his minor children, Walter, Earl, Maggie and Bertha Chue. You denied the applications January 2, 1903.

The applicants claim that they are descendants of one Marshall Lewis, alleged to have been a full 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 Marshall Lewis, or an ancestor less remote, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting March 10 the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

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

Respectfully,

(Signed)

THOS. RYAN,

1 inclosure.

Acting Secretary.

COPY.

M.C.R.4801.

Muskogee, Indian Territory, April 18, 1903.

Dorcas Skinner,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 2nd 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 Dorcas Skinner, et al., of which decision you were advised by registered mail on the 2nd day of January, 1903.

Respectfully,

(SIGNED)

*J. C. ...*

Chairman.



M.C.R.4801.

**COPY.**

Muskogee, Indian Territory, April 18, 1905.

L. A. Beadle,

Attorney-at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 2nd day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Dorcas Skinner, et al., of which decision you were advised by registered mail on the 2nd day of January, 1905.

Respectfully,

SIGNED,

*Tame Dixey.*

Chairman.

CC

Muskogee, Indian Territory, April 18, 1903.

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 2nd 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 Dorcas Skinner, et al., of which decision you were advised by registered mail on the 2nd day of January, 1903.

Respectfully,

SIGNE

*Wm. H. Jones*

Chairman.

M.C.R.4801.

Waskogee, Indian Territory, April 19, 1903.

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

Gentlemen:

You are hereby notified that on the 2nd 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 Dorcas Skinner, et al., of which decision you were advised by mail on the 2nd day of January, 1903.

Respectfully,

Chairman.

ATION.

CH  
(NOT INCI

TRIBAL ENROLLMENT OF PARENT

OF FATHER      YEAR      DISTRICT      NAME OF MO

Consolidated Case  
of  
A. Orcas Skinner

R. F. O. R.

01

Marshall Lewis (p. 10)

Charlotte Coates  
hus slavs dead  
Elijah Coates  
dead

Marshall Lewis

48  
Dorcas Coates 50- $\frac{1}{4}$   
slavs  
mar  
John Skinner  
Monroe Chue  
dead

mer  
48.02

Willie Chue 36- $\frac{1}{8}$   
wife  
Evaline Chue

mer  
48.2

Walter Chue 10  
Earl .. 8  
Maggie " 6  
Bertha " 1

Elijah Skinner  
Wesley Skinner  
Tom (or Louney) Skinner  
Alice Skinner  
mar  
Matthews

Richard Skinner  
wife dead  
Daisy Skinner  
(married D. Newman)

Willie Skinner

#1817

No. 4801

For Identification as a Mississippi Choctaw.  
*Meridian Miss.*

Date FEB 15 1902

Name *Loreas Skinner*

Age *50* Blood *1/4*

Post Office, *Yazoo City Miss*

Father: *Elijah Coates* *L*

Mother: *Charlotte* *"* *L*

Claims through *M. A. Coates*

(C)

Children:

W.C.

Stenographer

*R. A. Strick*

Choctaw MCR 4802

Willie Chue

See MCR 4801

MCR 4802

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 15th, 1902.

In the matter of the application of Willie Chue for the identification of himself and four minor children, Walter, Earl, Maggie and Bertha Chue, as Mississippi Choctaws.

APPEARANCES; S. A. Beadle, Attorney for applicant,  
A. W. Jones, Agent for applicant.

Said Willie Chue, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Willie Chue.  
Q How old are you? A I am about thirty-six.  
Q How much Choctaw blood have you? A Well, I claim one-eighth.  
Q What's your postoffice address? A Yazoo City, Mississippi.  
Q How long have you lived in Yazoo County? A All my life.  
Q Is your father living? A Not that I know of, I don't know sir.  
Q What was his name? A Monroe Chue.  
Q Did he have any Choctaw blood? A None that I know of.  
Q Is your mother living? A Yes sir ..  
Q What's her name? A Dorcas Skinner.  
Q Is she the Dorcas Skinner who appeared before the Commission this morning? A Yes sir.  
Q You get your Choctaw blood solely through her? A Yes sir.  
Q You claim she has a quarter Choctaw blood, do you? A Yes sir.  
Q Where was she born? A Yazoo County.  
Q Has she lived there all her life, too? A Yes sir.  
Q Through which one of her parents did she get her Choctaw blood?  
A Her mother.  
Q What was her name? A Charlotte.  
Q Through which one of her parents did Charlotte get her Choctaw blood?  
A Her father.  
Q What was his name? A Marshall Lewis.  
Q How much Choctaw blood did he have? A My mother said he was full blood Indian-I never saw him and don't know anything about him.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q What's her name? A Evaline Chue.  
Q Has she any Choctaw blood? A Not that I know of.  
Q You make no claim, then, for her? A No sir.  
Q How many children have you living? A Four.  
Q What are their names and ages? A Walter.  
Q How old? A Ten.  
Q Next one? A Earl.  
Q How old? A Eight.  
Q Next one? A Maggie.  
Q How old? A Six.  
Q Next one? A Bertha.  
Q How old? A One year~~ax~~ old.  
Q Is that all your children? A Yes sir.  
Q Are these children all living with you at this time? A Yes sir.  
Q Are they all the children of yourself and Evaline Chue?  
A Yes sir.



Willie Chue et al--2

Q This application, then, is for yourself and four minor children?

A Yes sir.

Q Were you married to Evaline under a license? A Yes sir.

Q Were you ever married before you married her? A No sir.

Q Where did you get your license? A Yazoo City.

Q When? A I don't remember the year-but its eleven years ago the 10th of last December.

Q Who married you? A A preacher by the name of Jones.

Q Have you your license with you at this time? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Evaline. This should be furnished within thirty days from this date.

Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir, not that I know of.

Q Has any application of any description ever been made before today for you or any of these children to be admitted or enrolled as members of the Choctaw Tribe of Indians? A No sir.

Q This is the first application of any kind that has ever been made to establish your rights as Choctaws? 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 for yourself and four minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?

A None that I know of.

Q Did any of them ever own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir, none that I know of.

Q Did any of them live here at that time-71 years ago? A Well, yes sir-my grandfather was living at that time.

Q Who? A My mother's father.

Q He didn't have any Choctaw blood, did he? A No sir.

Q Choctaw ancestors? A No sir, not that I know of.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A None that I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A None that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of them ever get any land from the Government under any other provision of that treaty? A Not to my knowledge.

Q Did any of them ever get any money from the Government? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under that 14th article. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land, and, on this account, the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissions to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President and they came down here to Mississippi in the years between 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A None that I know of.

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

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A None that I know of.

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

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

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

Q Any witnesses here today? A No sir.

Q Any further statements you want to make? A No sir.

Q Have you any brothers living? A Yes sir.

Willie Chue et al--4

- Q Full brothers? A No sir.  
Q Have you any half brothers having the same mother as you have?  
A Yes sir.  
Q What are their names? A Elijah, Wesley and Tomay.  
Q What surname? A Skinner.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of our appointments here in Mississippi this Winter or Spring or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

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

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood largely predominates. He does not speak or understand the Choctaw language.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 15th, 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 13th day of March, 1902,  
at Seale, Mississippi.

*L. D. Wesley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *M. M. M. M.* Deputy.

Muskogee, Indian Territory, January 2, 1903.

Willie Chue,

Yazoo City, Mississippi.

Dear Sir:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Dorcas Skinner, et al., embracing the following applications for identification as Mississippi

Choctaws:

Dorcas Skinner,  
Willie Chue, et al.,

M.C.R. 4801  
M.C.R. 4802

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 Dorcas Skinner, Willie Chue, Walter Chue, Earl Chue, Maggie Chue and Bortha Chue as Choctaw Indians entitled 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."

Willie Chue-2

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

Respectfully,

Acting Chairman.

Registered.

COPY.

M.C.R.4802.

Muskogee, Indian Territory, April 18, 1903.

Willie Ohus,

Yazoo City, Mississippi.

Dear Sir:

You are hereby notified that on the 2nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission as to the applications for identification as Mississippian Choctaws of the several persons included in the consolidated case of Dorcas Skinner, et al., of which decision you were advised by registered mail on the 2nd day of January, 1903.

Respectfully,

Yours truly,

Chairman.

# 1812

No.

253

For Identification as a Mississippi Choctaw.  
Meridian Miss.

Date

Flr

12

Name Willie Chue

Age 36

Blood 1/8

Post Office, Yazoo City, Miss.

Father. Monroe Chue &

Mother. Dorcas Skinner 1/4 L

Claims through mother  
wife Evaline Chue  
No claim for wife.

Claims for 1/2 and 1/4 children.

Children:

Walter Chue	10
Earl "	8
Maggie "	6
Bertha "	1

Stenographer

J. S. Niles.

Choctaw MCR 4803

Amelia Johnson

See MCR 4804, 5264, 5263  
4805, 4806, 5265

MCR 4803



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Amelia Johnson  
et al., for identification as Mississippi Choctaws, con-  
solidating the applications of:

Amelia Johnson	M.C.R. 4803
Susannah Grear, et al.,	M.C.R. 4804
Mamie Cheatham,	M.C.R. 5264
Mattie Richardson, et al.,	M.C.R. 5263
Sarah Williamson, et al.,	M.C.R. 4805
Missie A. Collins,	M.C.R. 4806
Lula Lee, et al.,	M.C.R. 5265

-----

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

-----

	Page
Original application of Amelia Johnson to the Dawes Com- mission for identification as a Mississippi Choctaw	1
Original application of Susannah Grear to the Dawes Commis- sion for identification as a Mississippi Choctaw	7
Original application of Mamie Cheatham to the Dawes Com- mission for identification as a Mississippi Choctaw	11
Original application of Hattie Richardson et al., to the Dawes Commission for identification as Mississippi Choctaws	14
Original application of Sarah Williamson et al., to the Dawes Commission for identification as Mississippi Choctaws	18
Original application of Missie A. Collins to the Dawes Commission for identification as a Mississippi Choctaw	21

	Page
Affidavit of Dennis Cooper	24
Affidavit of Mrs. Lou Brown	25
Affidavit of Mary Collins	26
Original application of Lula Lee et al., before the Dawes Commission for identification as Mississippi Choctaws	27
Final decision of the Commission to the Five Civilized Tribes denying the several applications contained in the consolidated case of Amelia Johnson et al., for identification as Mississippi Choctaws	50

113  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 15th, 1902.

In the matter of the application of Amelia Johnson for the identification of herself alone as a Mississippi Choctaw.

APPEARANCES: S.A. Beadle, Attorney for applicant,  
A.W. Jones, Agent for applicant.

Said Amelia Johnson, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Amelia Johnson.  
Q How old are you? A About seventy.  
Q How much Choctaw blood have you? A I have a half.  
Q What's your postoffice address? A Yazoo City.  
Q How long have you lived in Yazoo County? A I been living there all my life.  
Q Were you a slave? A Yes sir, I was born in Natchez, Mississippi.  
Q How old were you when you moved to Yazoo County? A I was eleven years old.  
Q Is your father living? A I don't know, sir.  
Q What was his name? A Prince Ford.  
Q Is your mother living? A No sir.  
Q What was her name? A Hannah.  
Q Through which one of your parents did you get your Choctaw blood?  
A My mother.  
Q How long has your mother been dead? A I don't know exactly how long.  
Q Give us an idea? A I reckon about twenty years.  
Q About how old was she when she died? A I don't know exactly how old she was.  
Q Do you think she was as old as you are now? A No sir, I don't think she was.  
Q Do you claim that she was a full blood Choctaw Indian? A Full blood Choctaw Indian woman.  
Q Did she raise you? A Yes sir.  
Q Was she in slavery? A No sir.  
Q How did it come that you were a slave then? A I come in by my father being a slave.  
Q Where was your mother born? A Adams County, Mississippi.  
Q Did she live there all her life? A No sir, when we left there she come up with us to Yazoo.  
Q Can you speak the Choctaw language? A No sir.  
Q Could your mother? A Yes sir, she could speak it. I have often heard her speak it.  
Q Do you know the name of her father? A I do not.  
Q Or of her mother? A No sir.  
Q You are willing to swear positively, are you now, that your mother was a full blood Choctaw Indian? A Yes sir.  
Q Your father had no Choctaw blood? A No sir.  
Q Are you married? A No sir, my husband's dead.  
Q Have you any children under 21 years of age and unmarried for whom you want to apply? A No sir.

Amelia Johnson--2

- Q This application, then, is for yourself only? A Yes sir.
- Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir, not as I know of.
- Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A Not as I remember.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A I do.
- Q Is that what you are here for? A Yes sir.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir, I don't.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, just a little bit before you were born, a year or two according to your statement-between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:-

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

If a Choctaw Indian who lived here 71 years ago wanted to stay here and become a citizen of the States and take land

Under this 14th article, instead of moving out to the new Nation with the remainder of the Indians, he was required by the terms of that article to let the Agent of the Government here in Mississippi, for the Choctaws, know within six months from the time the treaty was ratified, that is six months from February 24th, 1831—that he wanted to stay here and he was then entitled to a reservation of one section of 640 acres of land to be bounded by sectional lines of survey and to include his improvement as it existed on the 27th day of September, 1830, the day the treaty was ratified. For each child in his family over ten years of age on the 27th day of September, 1830, he was entitled to a half section of land or 320 acres, and for each child under ten years of age he was entitled to 160 acres or a quarter section. These reservations for the children were required by that 14th article to adjoin the location of the parent. Now, if the Indian lived on that land, intending to become a citizen of the States, for five years after the February 24th, 1831, in that case he was entitled to a grant in fee simple for the land, that is the Government agreed that it would give him a title to the land and it would become his. But that 14th article provided further that persons who claimed under that article should not lose the privilege of a Choctaw citizen but if they ever removed, that is if they ever went out to the new nation west of the Mississippi River, they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money which becomes due to the Choctaws from the Government of the United States every year under treaty stipulations.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A Not as I know of.

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

Q Did any of them live here at that time, as a matter of fact? A Not as I know of.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified—that is within six months from February 24, 1831, let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of them ever get any money from the Government? A No sir not as I know.

Q Now of them ever got any land here in Mississippi or elsewhere from the Government to your knowledge? A Not as I know of.

Amelia Johnson--4

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under this article. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

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

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

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

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir, I don't.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts--any deeds, patents, documents of any kind--do you know of any such papers? A No sir.

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

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you de-

Amelia Johnson--5

sire to have taken before the Commission they may appear before us here in Mississippi at any one of our appointments this Winter or Spring within an reasonable time at Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time in support of your application? A No sir.
- Q Have you any children living? A Yes sir.
- Q How many? A Three.
- Q What are their names? A Susanna Grear.
- Q Next one? A Marshall Caradine.
- Q Next one? A Louisa Collins.
- Q Have you any children dead? A Yes sir.
- Q Did any of them leave children? A No sir.
- Q Is any one of your children here today? A Yes sir.
- Q What's her name? A Susanna Grear-I also have two granddaughters here, Missie Collins and Sarah Williamson-they are the children of my daughter Louisa Collins.
- Q Have any of your children been before the Commission? A No sir.
- Q Have you any brothers or sisters living? A No sir.
- Q Have you any brothers or sisters dead who left children? A My sister is dead and left children.
- Q Are any of her children living now? A Yes sir.
- Q How many? A One.
- Q What's that child's name? A William Stewart.
- Q Did that sister have any other children? A Yes sir, but they're dead.
- Q Did any of them leave children? A No sir.
- Q Are any of your mother's brothers or sisters living? A No sir.
- Q Did she ever have any, to your knowledge? A Not as I remember.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Did your mother have any other name besides Hannah? A No sir.
- Q Didn't have any Indian name? A No sir.

Examination by Mr. Jones:

- Q How old do you say you are? A Seventy.
- Q Did you always live in the State of Mississippi? A Yes sir.
- Q Were your father and mother here then when you were born? A Yes sir.
- Q You state now that they were here then 70 years ago? A No sir.
- Q Weren't you born here seventy years ago? A Yes sir.
- Q Then your mother and father were here then? A Yes sir.

Commission:

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro largely predominates-she does not speak or understand the Choctaw language.

-----

Ira S. Miles, being first duly sworn, states that as stenographer

Amelia Johnson--6

to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 15th, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*L. B. Mosely*

Subscribed and sworn to before me this the 13th day of March, 1902,  
at Seale, Mississippi.

*L. B. Mosely*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By

*J. M. W.*

Deputy.





seventh, eighteen hundred and thirty, and 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 Hannah Caradine, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in 1830.

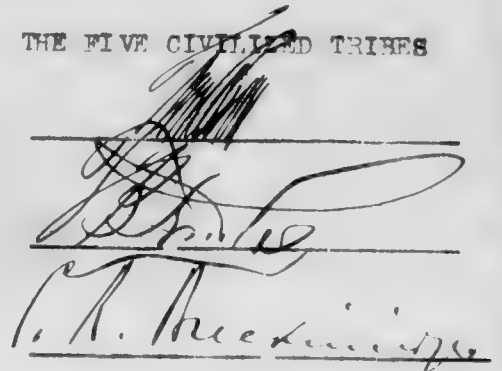
It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321.)

It does not appear from the testimony and evidence offered in support of said 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 Hannah Caradine 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 Amelia Johnson, Susannah Grear, Maggie Grear, Ollie Grear, Hiram Grear, Eugene Brown, Mame Cheatham, Hattie Richardson, Delma Richardson, Sarah Williamson, Rosie Williamson, Edgar Williamson, Bennie Williamson, Missie A. Collins, Lula Lee, Ethel A. Lee, and Josie B. Lee, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES



A handwritten signature in dark ink, appearing to read "C. K. Beckwith", is written over two horizontal lines. The signature is cursive and somewhat stylized.

Commissioners

Muskogee, Indian Territory.

MAY 28 1902

COPY. M C R 4803

Muskogee, Indian Territory, May 28, 1902.

Amelia Johnson,  
Vasco City, Mississippi.

Dear Madam:

You are hereby advised that on the 28th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amelia Johnson, et al., embracing the following applications for identification as Mississippian Choctaws:

Amelia Johnson,	M C R 4803
Susannah Grear, et al.,	M C R 4804
Marie Cheatham,	M C R 5264
Hattie Richardson, et al.,	M C R 5263
Sarah Williamson, et al.,	M C R 4805
Missie A. Collins,	M C R 4806
Lula Lee, et al.,	M C R 5265

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

COPY.

A J--2

Amelia Johnson, Susannah Grear, Maggie Grear, Ollie Grear, Minnie Grear, Eugene Brown, Mamie Cheatham, Hattie Richardson, Nelma Richardson, Sarah Williamson, Rosie Williamson, Edgar Williamson, Beulah Williamson, Missie A. Collins, Lula Lee, Ethel A. Lee, and Jessie B. Lee, 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 Commissioner has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*T. D. Medico.*

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, May 28, 1902.

S. A. Hendle, Attorney at Law,  
Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 28th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amelia Johnson, et al., against the following persons for identification of land in the Choctaw:

- Amelia Johnson, 10 C. P. 2001
- Suzannah Green, et al., 10 C. P. 2002
- Lottie Cheatham, 10 C. P. 2003
- Bettie Richardson, et al., 10 C. P. 2004
- Sarah Williamson, et al., 10 C. P. 2005
- Fessie A. Collins, 10 C. P. 2006
- Lula Lee, et al., 10 C. P. 2007

These applications were made under the provisions of the act of June 28, 1898, (30 Stat., 491) which is as follows:

"The Commission shall have authority to determine the validity of Choctaw Indian 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, and to take such administrative action, examine witnesses, and perform all other acts necessary thereto, and make reports to the Secretary of the Interior."

The decision concludes as follows:

"It is therefore the opinion of the Commission that the evidence presented is insufficient to determine the identity of Amelia Johnson, Suzannah Green, Lottie Cheatham, Bettie Richardson, Sarah Williamson, Fessie A. Collins, and Lula Lee, et al., as persons who were entitled to land in the Choctaw Nation under the provisions of the treaty of 1830."

S A B—3

Grear, Eugene Brown, Mamie Cheatham, Hattie Richardson, Delma Richardson, Sarah Williamson, Rosie Williamson, Edgar Williamson, Bennie Williamson, Missie A. Collins, Lula Lee, Ethel A. Lee, and Josie B. Lee, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.\*

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

Yours truly,

(SIGNED)

*T. D. Needles.*

Commissioner of the Interior.

Re: "Future".

Muskogee, Indian Territory, May 22, 1903.

A. V. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amelia Johnson, et al., et al., on the following applications for identification as his Indian bloodlaws:

Amelia Johnson,	6-2-13
Amasa Grear, et al.,	6-2-13
Magie Grear,	6-2-13
Lattie Richardson, et al.,	6-2-13
Sarah Williamson, et al.,	6-2-13
Isidore A. Collins,	6-2-13
William, et al.,	6-2-13

These applications were made under the provisions of the Act of Congress of June 28, 1892, (52 Stat., 41) which reads as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming title in the Choctaw lands under articles fourteen of the treaty between the United States and the Choctaw Nation, to include Choctaw heretofore heretofore, of fifteen or more and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary to do so, and make report to the Secretary of the Interior."

Therefore concludes as follows:

"It is therefore the opinion of the Commission that the evidence is sufficient to determine the identity of Amelia Johnson, Amasa Grear, Magie Grear, Lattie Richardson, Sarah Williamson, Isidore A. Collins, William, et al.,



A W J-----2

Greer, Eugene Brown, Mamie Cheatham, Hattie Richardson, Delma Richardson, Sarah Williamson, Rosie Williamson, Edgar Williamson, Rennie Williamson, Missie A. Collins, Lula Lee, Ethel A. Lee, and Josie B. Lee, 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)

*W. H. Woodruff*

Commissioner of the Interior.

Be returned.

Muskogee, Indian Territory, May 28, 1902.

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

Gentlemen:

You are hereby advised that on the 28th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amelia Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Amelia Johnson,	M C R 4803
Susannah Grear, et al.,	M C R 4804
Mamie Cheatham,	M C R 5264
Hattie Richardson, et al.,	M C R 5263
Sarah Williamson, et al.,	M C R 4805
Missie A. Collins,	M C R 4806
Lula Lee, et al.,	M C R 5265

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. M. & C. — 2

Amelia Johnson, Susannah Grear, Maggie Grear, Ollie Grear, Hiram Grear, Eugene Brown, Mamie Cheatham, Hattie Richardson, Delma Richardson, Sarah Williamson, Rosie Williamson, Edgar Williamson, Bennie Williamson, Missie A. Collins, Lula Lee, Ethel A. Lee, and Josie B. Lee, 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,

*J. C. [Signature]*  
Commissioner in Charge.

M C R 4803

Muskogee, Indian Territory, May 28, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Amelia Johnson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 28th, 1903.

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

Amelia Johnson,	M C R 4803
Susannah Crear, et al.,	M C R 4804
Mamie Cheatham,	M C R 5264
Hattie Richardson, et al.,	M C R 5263
Sarah Williamson, et al.,	M C R 4805
Missie A. Collins,	M C R 4806
Lula Lee, et al.,	M C R 5265

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

Secretary of the Interior-----2

have been duly advised by letter of the action of the Commission,  
copies of said letters being attached to the record.

Respectfully,

W. C. C.

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.

Muskogee, Indian Territory, September 11, 1902.

Amelia Johnson,  
Post office box #431,  
Yazoo City, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 8th instant, relative to the decision of the Commission in the consolidated Mississippi Choctaw case of Amelia Johnson et al. Therein you ask if the Commission examined the affidavits of the three witnesses filed in support of this case, and wherein the evidence is insufficient.

In reply you are informed that the authority vested in this Commission to determine the identity of so-called Mississippi Choctaws is contained in a provision of the act of Congress approved June 28, 1898, and is as follows:

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

Article fourteen referred to in this legislation was read and explained to the several applicants in this consolidated

A. J.--2.

case at the time they made their applications, and in answer to questions they stated that they understood said article and made their claims under its provisions.

The Commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that they are descendants of Choctaw Indians who resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830, or who complied or attempted to comply with the provisions of article fourteen of the Choctaw treaty of 1830, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837, and August 23, 1842.

The only evidence submitted in support of the applications in this consolidated case, aside from the testimony of the applicants, is the ex parte affidavits of Dennis Cooper, Mrs. Lou Brown and Mary Collins, and it is nowhere shown in the record in this case that the common ancestor Hannah Caradine complied or attempted to comply with any of the provisions of the fourteenth article of the Choctaw treaty of 1830.

The Commission, on May 28, 1902, refused the application of the several applicants in this consolidated case and on the same date notified them of the action of the Commission and of the for-

A. J.--3.

warding of the record to the Secretary of the Interior for review.  
They will be duly notified of any action taken by him.

Yours truly,

Acting Chairman.



- - - COPY - - -

Land

32244-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Oct. 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made May 28, 1902, by T. B. Needles, Esq., Commissioner in charge of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the consolidated case of Amelia Johnson, et al., applicants for identification as Mississippi Choctaws claiming rights under the fourteenth article of the treaty of 1830.

In this consolidated case Amelia Johnson applies for the identification of herself; Susan Grear for herself and her three minor children, Maggie, Ollie and Hiram, and her minor orphan grandchild, Eugene Brown; Mamie Cheatham for herself; Fattie Richardson for herself and her minor child Delma, Sarah Williamson for herself and her three minor children, Rosie, Edgar and Lonnie; Missie A. Collins for herself; Lula Lee for herself and her two minor children, Ethel A., and Joise B.

May 28, 1902, the Commission held that the applicants were not entitled to identification.

Descent is claimed from Hannah Caradine or Carrodine, grandmother of Amelia Johnson.

The applicants are not full-blood Choctaw Indians. A careful search of the records of this office fails to show that Hannah Caradine or Carrodine received a patent to land under the provisions of article fourteen of the treaty of 1830, or complied or attempted to comply with the provisions thereof; neither does it appear that she applied to the Commissions appointed under the acts of March 3, 1837 and August 23, 1842 for an adjudication of her rights, if any she had, as a Choctaw Indian.

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

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

GAW  
D

3 Inclosures.

- - - COPY - - -

D.C. 20763.

FAF.

L.R.S.

DEPARTMENT OF THE INTERIOR.

WASHINGTON,

ITD. 6570-1902.

October 30, 1902.

Commission to the Five Civilized Tribes,

Muskogean I.T.

Gentlemen:

May 28, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Amelia Johnson, of Susannah Grear and her minor children, Maggie, Ollie and Hiram Grear, and her grandchild Eugene Brown; of amie Cheatham; of Hattie Richardson and her minor child Delma Richardson; of Sarah Williamson and her minor children, Rosie, Edgar and Bennie Williamson; of Missie A Collins; and of Lula Lee and her minor Children Ethel A. and Joise B. Lee.

The applicants endeavor to trace their descent from one Hannah Caradine, alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The records fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Hannah Caradine, or any 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).

- - - 2 - - -

You refused the applications May 28, 1902. Forwarding the papers October 24, the Acting Commissioner of Indian Affairs recommends approval of your decision; a copy of his letter is inclosed.

The Deaprtment had thoroughly reviewed the whole record, and hereby affirms your decision.

Respectfully,

E. A. Hitchcock,

Secretary.

E.M.D.

1 Inclosure.

M.C.B 4803

COPY

Muskogee, Indian Territory, November 8, 1902.

S.A. Beadle,  
Attorney-at-Law,  
Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 30th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amelia Johnson, et al., of which decision you were advised by registered mail on the 28th day of May, 1902.

Respectfully,

Commissioner in Charge

M.C.R. 4803

COPY.

Muskogee, Indian Territory, November 8, 1902.

A.V. Jones,  
Agent,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 30th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commissioner refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amelia Johnson, et al., of which decision you were advised by registered mail on the 28th day of May, 1902.

Respectfully,

*C. G. Ingham*  
Commissioner in Charge.

M. C R. 4803

COPY.

Muskogee, Indian Territory, November 8, 1902.

Amelia Johnson,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 30th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amelia Johnson, et al., of which decision you were advised by registered mail on the 28th day of May, 1902.

Respectfully,

  
Commissioner in Charge.

M. C. R. 4803

Muskegee, Indian Territory, November 8, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amelia Johnson, et al., of which decision you were advised by mail on the 28th day of May, 1902.

Respectfully,

Commissioner in Charge.



REFER TO M. C. R.

Amelia Johnson  
- 100

Consolidated Case

Sannah Caradine, July  
husb  
Prince Horn, negro

Amelia Johnson 70 1/2  
1882  
(husband's name not given)

Parents  
Mad. Hainesuckjurn

Susannah Grear 47  
mar

1st  
2nd Pleas Grear

Louisa Collins  
mar  
Ben Collins

William Stewart

Marice Cheatham 29 1/2  
mar  
Logan Cheatham

Rebecca Brown  
mar  
Cecil Brown

Nattie Richardson 25 1/8  
mar  
Henry Richardson

Marshall Dean  
Maggie Grear 17  
Ellie Grear 13  
Hiram Grear 10

Sarah Williamson 36 1/2  
mar  
Jacob Williamson

Missie A. Collins 30 1/2

Lina Rice 28 1/2  
mar  
Wm. Rice

Eugene Brown, 8

Delma Richardson, 4

Rose Williamson, 17  
Egar Williamson, 15  
Benue Williamson 11

Ethel A. Rice 4  
Josie B. Rice 2

H 15

No. 1003

For Identification as a Mississippi Choctaw.

Meridian Miss

F: P 17 1902

Date

Name *Amelia Johnson*

Age *70* Blood *1/2*

Post Office, *Yazoo City Miss.*

Father: *Prince Ford* ✓

Mother: *Nūnāh* ✓

Claims through *mother*

*(Children)*

Children:

Stenographer

*J. S. Niles.*

Choctaw MCR 4804

Susannah Gear

See MCR 4803

MCR 4804

4804

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 15th, 1902.

In the matter of the application of Susannah Grear for the identification of herself, her three minor children, Maggie, Ollie and Hiram Grear, and one minor orphan grandchild, Eugene Brown, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicant,  
A.W. Jones, Agent for applicant.

Said Susannah Grear, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Susannah Grear.
- Q How old are you? A About forty-four.
- Q How much Choctaw blood have you? A I don't know how much I have.
- Q What's your postoffice address? A Yazoo City.
- Q How long have you lived in Yazoo County? A All of life.
- Q Is your father living? A Dead.
- Q What was his name? A I don't know my father-my mother said he died before I could remember.
- Q You don't know who he was at all? A No sir.
- Q Is your mother living? A Yes sir.
- Q What's her name? A Amelia Johnson.
- Q Is she the Amelia Johnson who has just appeared before the Commission? A Yes sir.
- Q You get your Choctaw blood, then, solely through your mother, do you? A Yes sir.
- Q Has she always lived here in Yazoo County? A Ever since I can remember-I was born there.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What's his name? A Fleas Grear.
- Q You make no claim for him? A No sir.
- Q How many children have you living who are under 21 years of age and unmarried for whom you want to make application? A I have three and one grand child.
- Q What are the names of these children? A Maggie Grear.
- Q How old? A About seventeen.
- Q Next one? A Ollie Grear.
- Q Boy or girl? A Girl.
- Q How old? A Thirteen.
- Q Next one? A Hiram Grear.
- Q How old? A Ten.
- Q That's all of your children is it? A Yes sir.
- Q Are these children all living with you now? A Yes sir.
- Q None of them are married? A No sir.
- Q Are they all the children of yourself and Fleas Grear? A Yes sir.
- Q What's the name of this minor grandchild? A Eugene Brown.
- Q How old is he? A Eight years old.
- Q Is he living with you at this time? A Yes sir.
- Q How long has he lived with you? A All his life-had him before she died and ever since and I was guardian for him.

- Q Have you been lawfully appointed guardian for him by the court?  
A Yes sir.
- Q Have you the letters of guardianship with you? A No sir, I haven't them with me.
- Q Are his parents both dead? A I don't know where his father is but my daughter is dead.
- Q What was the name of his father? A Collie Brown.
- Q Did he have any Choctaw blood? A Not a bit as I know of his father.
- Q The mother of this child was your daughter? A Yes sir.
- Q What was her name? A Rebecca Brown.
- Q Was she the child of yourself and Pleas Grear? A Yes sir.
- Q How long has she been dead? A Six years in May.
- Q Did she live in this State all her life? A Yes sir.
- Q You support and maintain this child Eugene the same as you do your own children? A Yes sir.
- Q Through which one of her parents did your mother get her Choctaw blood? A From her mother.
- Q What was her mother's name? A Hannah Caradine.
- Q Did Hannah have any Choctaw blood? A I do 't know nothing about that-I just know her name-I heard my mother say so.
- Q Did you ever hear your mother say that she had Choctaw blood?  
A Yes sir.
- Q How much Choctaw? A I don't know-they said she was an old Indian woman.
- Q You think that would make you one-fourth? A I declare I don't understand-I just understand that my grandmother was an Indian woman.
- Q Did she have any other blood besides Indian blood? A I reckon she had African in her too but I don't know.
- Q Did you ever hear your mother say whether her mother had negro blood in her? A I guess so.
- Q What did she say about it? A I always heard her say that my grandmother was a Choctaw Indian woman and her father was a black man.
- Q This application is for yourself, three minor children and one minor, orphan grandchild? A Yes sir.
- Q Is your name or the name of any one of these children on any of the Choctaw Tribal rolls in Indian Territory? A I don't know.
- Q Has any application ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A Not as I know of.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and these children under the 14th article of the treaty of Dancing Rabbit Creek? A I do.
- Q Do you understand that 14th article? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not as I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not as I know of.
- Q Did any of them, in fact, live here at that time? A I don't know.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and ~~1838~~ 1838? A

I don't know, sir.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Aint as I knows of.

Q Did any of them ever get any land under any provision of that treaty? A Not as I knows of.

Q Did any of them ever get any money from the Government? A Not as I know of.

Q You have heard the explanation as to the causes which brought about certain acts of Congress between the years 1837 and 1842, providing for the appointment of Commissioners to come down here to Mississippi and hear Choctaw claims under this 14th article of the treaty of Dancing Rabbit Creek, have you not? A Yes sir, I have.

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

Q Did any of your ancestors ever get any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A Not as I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir, I don't.

Q Do you know of any written evidence of any kind which would show or tend to show such a state of facts? A No sir.

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

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us at any one of our appointments here in Mississippi this Winter or Spring or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

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

Q Have you any children over age? A Yes sir.

Q How many? A Three.

Q What are their names? A Marshall Dean, Mamie Cheatham and Hattie Richardson. These three children are by my first husband.

Q Have you any children dead who left children? A None but Eugene Brown's mother, for whom I made a plication.

Q Have you any brothers or sisters living? A Two.

Q What are their names? A Marshall Caradine and Louisa Collins.

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro largely predominates--she does not speak or

Susannah Grear et al--4

understand the Choctaw language.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 15th, 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.

*Ira S. Niles*  
Subscribed and sworn to before me this the 13th day of March, 1902,  
at Seale, Mississippi.

*L. B. Massey*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *M. W. [unclear]*

Deputy.



M C R 4804.

COPY

Muskogee, Indian Territory, May 28, 1902.

Susannah Grear,

      Muskogee City, Mississippi.

Dear Madam:

      You are hereby advised that on the 28th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amelia Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Amelia Johnson,	M C R 4803
Susannah Grear, et al.,	M C R 4804
Marie Cheatham,	M C R 5264
Fattie Richardson, et al.,	M C R 5263
Sarah Williamson, et al.,	M C R 4805
Missie A. Collins,	M C R 4806
Lula Lee, et al.,	M C R 5265

      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

COPY.

8 6—2

Amelia Johnson, Susannah Grear, Maggie Grear, Ollie Grear, Miran Grear, Eugene Brown, Mamie Cheather, Mattie Richardson, Delma Richardson, Sarah Williamson, Rosie Williamson, Edgar Williamson, Bernice Williamson, Missie A. Collins, Lula Lee, Ethel A. Lee, and Josie A. Lee, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1850, and that no 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.

Muskogee, Indian Territory, November 8, 1902.

Susannah Grear,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 30th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification of Mississippi Choctaws of the several persons included in the consolidated case of Amelia Johnson, et al., of which decision you were notified by registered mail on the 28th day of May, 1902.

Respectfully,

Commissioner in Charge.

For Identification as a Mississippi Choctaw.  
Meridian Miss.

Date FEB 15 . . .

Name Dusanrah Grear

Age 44 Blood don't know

Post Office, Yazoo City, Miss.

Father: - don't know - d.

Mother: Amelia Johnson S

Claims through mother  
husband  
Pleas Grear S  
no claim for husband

Children:

- Maggie Grear 17
- Ollie " (F) 13
- Hiram " 10

Eugene Brown S

Father Collie Brown  
no Choctaw blood

Mother Rebecca Brown S

Stenographer

J. Miles

Choctaw MCR 4805

Sarah Williamson

See MCR 4803

MCR 4805

4515  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 15th, 1902.

In the matter of the application of Sarah Williamson for the identification of herself and three minor children, Rosie, Edgar and Bennie Williamson, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicant,  
A.W. Jones, Agent for applicant.

Said Sarah Williamson, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Sarah Williamson.  
Q How old are you? A Thirty-six.  
Q How much Choctaw blood have you? A I claim an eighth.  
Q What's your postoffice address? A Yazoo City.  
Q How long have you lived in Yazoo County? A Been living there all my life.  
Q Is your father living? A No sir.  
Q What was his name? A Ben Collins.  
Q Is your mother living? A Yes sir.  
Q What's her name? A Louisa Collins.  
Q Through which one of your parents did you get your Choctaw blood?  
A From my mother.  
Q Has she been before the Commission? A No sir, my grandma has been here.  
Q Her mother? A Yes sir.  
Q What relation are you to Amelia Johnson who appeared here? A My grandmother.  
Q She's your mother's mother? A Yes sir.  
Q What relation are you to Susannah Grear who has been before the Commission? A My aunt-my mother's sister.  
Q Where does your mother live? A Yazoo City.  
Q Has she lived there all her life? A In that County.  
Q About how old is she? A About fifty years old.  
Q She got her Choctaw blood solely through her mother, Amelia Johnson? A Yes sir.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What's his name? A Jacob Williamson.  
Q Has he any Choctaw blood? A If he has I don't know.  
Q You make no claim for him, then? A No sir.  
Q How many children have you living? A Three.  
Q What are their names and ages? A Rosie Williamson.  
Q How old is she? A Seventeen.  
Q Next one? A Edgar, fifteen.  
Q Next one? A Bennie, eleven.  
Q Is that all your children? A That's all living.  
Q Are these children living with you at this time? A Yes sir, right now.  
Q Are they all the children of yourself and Jacob Williamson? A Yes sir.  
Q This application, then, is for yourself and three children? A Yes sir.

Q Is your name or the name of any one of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A Not as I know of.

Q Has any application of any description ever been made before today for you or any of these children to be admitted or enrolled as members of the Choctaw Tribe? A No sir.

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

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article? A Yes sir, I do.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not as I know of.

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

Q Did any of them, in fact, live here at that time? A My great-grandmother from whom the Choctaw comes, was living here then.

Q What was her name? A Hannah.

Q Hannah what? A I don't know, that's what my mother said.

Q You never saw her? A No sir.

Q How much Indian blood did she have? A Whole.

Q Where was she living 71 years ago when this treaty was made? A I couldn't tell you.

Q Did any of your ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever get any land from the Government under any other article of the treaty? A If they ever did I don't know it.

Q Did any of them ever get any money from the Government? A Not as I know of.

Q You have heard the explanation as to the causes which brought about the acts of Congress between the years 1837 and 1842, providing for the appointment of Commissioners to come down here and adjust claims of Choctaws under article 14 of the treaty of Dancing Rabbit Creek, did you not? A Yes sir.

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

Q Did any of them get any scrip from the Government under this act of Congress approved August 23, 1842? A If they have, I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply

Sarah Williamson et al--3

with the provisions of article 14 of the treaty of Dancing Rabbit Creek of ever received any benefits under that article? A No sir, I do not.

Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence to offer at this time? A Not any.

Q Have you any witnesses here today? A No more than my grandmother.

Q She has already made application? A Yes sir.

If you should find any other witnesses whose testimony you desire to have taken before the Commission they may appear before us at any of the appointments of the Commission in Mississippi this Winter and Spring or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time?

A No sir.

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

Q Have you any sisters living? A Yes sir.

Q How many? A Two.

Q What are their names? A Missie Collins and Lulu Lee.

Q Is Lulu married? A Yes sir.

Q Is either one of them here today? A Missie is here.

Q Have you any brothers or sisters dead who left children? A I have one brother dead but he didn't leave any children.

This applicant has the appearance of being a full blood negro, shows no indications of being possessed of Indian blood. She does not speak or understand the Choctaw language.

-----

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 15th, 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 13th day of March, 1902, at Seale, Mississippi.

*J. R. Williams*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *J. R. Williams*

Deputy.



Muskogee, Indian Territory, May 28, 1902.

Sarah Williamson,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 28th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amelia Johnson, et al., against the following applications for identification as Chickasaw Choctaws:

- |                            |            |
|----------------------------|------------|
| Amelia Johnson,            | M C R 4803 |
| Samuel Greer, et al.,      | M C R 4804 |
| Marie Cheatham,            | M C R 4805 |
| Hattie Richardson, et al., | M C R 4806 |
| Sarah Williamson, et al.,  | M C R 4807 |
| Missie A. Collins,         | M C R 4808 |
| Willa Lee, et al.,         | M C R 4809 |

These applications were made under the provisions of the Act of Congress of June 20, 1890, (30 Stats., 495) which is as follows:

"The Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article 17 of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary to that end, and make report to the Secretary of the Interior."

The following is the substance of the report of the Commission:

"It is therefore the opinion of the Commission that the evidence herein is insufficient to determine the identity of

Anelia Johnson, Susannah Grear, Maggie Grear, Ollie Grear, Hiram Grear, Eugene Brown, Mamie Cheatham, Hattie Richardson, Delma Richardson, Sarah Williamson, Rosie Williamson, Edgar Williamson, Bennie Williamson, Missie A. Collins, Lula Lee, Ethel A. Lee, and Josie B. Lee, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

(SIGNED)

Commissioner in Charge.

Registered.

M.C.R. 4805

Muskogee, Indian Territory, November 8, 1902.

Sarah Williamson,  
Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 30th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amelia Johnson, et al., of which decision you were advised by registered mail on the 28th day of May, 1902.

Respectfully,

Commissioner in Charge.

1876

No. 4805

For Identification as a Mississippi Choctaw.

Meridian Miss

FEB 15 1902

Date

Name Sarah Williamson

Age 36 Blood 1/8

Post Office, Yazoo City, Miss.

Father: Ben Collins E

Mother: Louisa L

Claims through mother  
~~and~~ husband  
Jacob Williamson  
No claim for husband.

Children:

Rosie	Williamson	17
Edgar	"	15
Bennie	"	11

Stenographer

J. D. Hiley

Choctaw MCR 4806

Missie A. Collins

See MCR 4803

MCR 4806

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 15th, 1902.

In the matter of the application of Missie A. Collins  
for the identification of herself alone as a Mississippi Choctaw.

APPEARANCES; S.A. Beadle, Attorney for applicant,  
A.W. Jones, Agent for applicant.

Said Missie A. Collins, being first duly sworn, testified  
as follows:-

Examination by the Commission.

- Q What's your name? A Missie A. Collins.  
Q How old are you? A Thirty.  
Q How much Choctaw blood have you? A One-eighth.  
Q What's your postoffice address? A Yazoo City.  
Q How long have you lived in Yazoo County? A All my days-born in  
that County.  
Q Is your father living? A No sir.  
Q What was his name? A Ben Collins.  
Q Is your mother living? A Yes sir.  
Q What's her name? A Louisa Collins.  
Q Through which one of your parents do you get your Choctaw  
blood? A My mother.  
Q What relation are you to Sarah Williamson who just appeared be-  
fore the Commission? A She's my sister.  
Q What relation are you to Susannah Grear? A She's my aunt.  
Q Your mother's sister? A Yes sir.  
Q What relation are you to Amelia Johnson? A She's my grandmother.  
Q Your mother's mother? A Yes sir.  
Q Has your mother been before the Commission? A No sir.  
Q Where does she live? A Yazoo City.  
Q How long has she lived in Yazoo County? A All of her days-born  
there.  
Q Are you married? A No sir.  
Q This application, then, is for yourself only? A Yes sir.  
Q Is your name on any of the Choctaw Tribal rolls in Indian Terri-  
tory? A Not as I know of.  
Q Has any application of any description ever been made for you be-  
fore today for the purpose of establishing ~~xi~~ your rights as a Choctaw  
Indian? 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  
article 14 of the treaty of Dancing Rabbit Creek? A I do.  
Q Do you understand that 14th article? A Yes sir.  
Q Did any of your ancestors ever comply or attempt to comply with  
its provisions or ever receive any benefits under that article? A  
Not that I know of.  
Q Did any of them ever own an improvement here in the old Choctaw  
Nation in Mississippi and Alabama in the year 1830 when this treaty  
was made? A Not that I know of.  
Q Did any of them live here at that time? A Yes sir.  
Q What one of them? A Great-grandmother was living here then.  
Q What was her name? A Hannah.  
Q Did she have any Choctaw blood? A She was full blooded, according

Missie A. Collins--2

to what my grandmother said.

Q Where did she live 71 years ago when this treaty was made? A In the State of Mississippi.

Q Where? A Adams County, I think.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not that I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of them ever get any land from the Government herein Mississippi? A Not that I know of.

Q Did any of them ever get any money from the Government? A Not that I know of.

Q You have heard the explanation as to the causes which brought about certain acts of Congress between the years 1837 and 1842, providing for the appointment of Commissioners to adjust claims of Choctaws under this 14th article of the treaty of Dancing Rabbit Creek, have you not? A Yes sir.

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

Q Did any of them ever get any scrip from the Government of the United States under the act of Congress approved August 23, 1842?

A Not that I know of.

Q Did any of your people ever get any benefits whatever as Choctaw Indians? A Not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of any.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A I do not.

Q Have you any written evidence to offer at this time? A I have not.

Q Have you any witnesses here today? A I have my grandmother.

Q She has already made application? A Yes sir.

Her testimony will be considered in your case.

Q Any other witnesses? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of the appointments of the Commission here in Mississippi this Winter or Spring or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Missie A. Collins--3

Q Are there any further statements you want to make at this time?

A I have not.

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

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

-----

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 15th, 1902, and that the above and foregoing is a full, ~~the~~ ~~correct~~ true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Miles*

Subscribed and sworn to before me this the 13th day of March, 1902,  
at Seale, Mississippi.

*L. B. Maxwell*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]*

Deputy.



Muskogee, Indian Territory, May 28, 1902.

Minnie A. Collins,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 24th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the long-pending case of Amelia Johnson, et al., against the following applications for identification of Chickasaw Choctaw lands:

Amelia Johnson,	M C R 4806
John C. Green, et al.,	M C R 4804
Marie Chertan,	M C R 5044
Little Richardson, et al.,	M C R 4988
Walter Williamson, et al.,	M C R 4805
Minnie A. Collins,	M C R 4800
John Lee, et al.,	M C R 4807

These applications were made under the provision of the act of Congress of June 28, 1893, (56 Stat., 494) which is as follows:

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

The decision concludes as follows:

"It is therefore the opinion of the Commission that the said applicants are entitled to determine the rights of

MAC-----3

Amelia Johnson, Susannah Grear, Maggie Grear, Ollie Grear, Hiram Grear, Eugene Brown, Hamie Cheatham, Hattie Richardson, Helma Richardson, Sarah Williamson, Rosie Williamson, Edgar Williamson, Bennie Williamson, Missie A. Collins, Lula Lee, Ethel A. Lee, and Josie E. Lee, 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 should be refused, and it is so ordered."

You are further advised that the Commission 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.

Very truly,

AGY

*T. C. Hendrix*

Commissioner in Charge.

Registered.

M.C.R. 4806

(COPY)

Muskogee, Indian Territory, November 8, 1902.

Missie A. Collins,  
Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 30th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amelia Johnson, et al., of which decision you were advised by registered mail on the 28th day of May, 1902.

Respectfully,

  
Commissioner in Charge.

#

No. 2 255

For Identification as a Mississippi Choctaw.

Meridian Miss

Date FEB 15 1902

Name Missie A. Collins

Age 30 Blood 1/8

Post Office, Yazoo City, Miss

Father: Rev. Collins D

Mother: Louisa " S

Claims through mother

Claims through father

Children:

Stenographer

J. S. Hiles.

Choctaw MCR 4807

Mary Collins

MCR 4807

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

-----o-----

In the matter of the application of Mary Collins, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4807.

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

	(Page)
Original application of Mary Collins, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Joint affidavit of Dick Emery and Sarah Johnson...	6
Decision of the Commission denying the applica- tion of Mary Collins, et al., for identification as Mississippi Choctaws.....	7

-----o-----

4807

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 15th, 1902.

In the matter of the application of Mary Collins for the identification of herself and four minor orphan grandchildren, Tommie, and Burney Watson, and Minnie and Maggie Anderson, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicant,  
A.W. Jones, Agent for applicant.

Said Mary Collins, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Mary Collins.  
Q How old are you? A I'm about seventy-five.  
Q How much Choctaw blood have you? A I reckon I've got about a quarter-Yes sir, my grandfather was a whole Indian and my own father was a half Indian and white man.  
Q What's your postoffice address? A Yazoo City.  
Q How long have you lived in Yazoo County? A I've been there all my life-I've lived in the town about thirty years.  
Q Were you a slave? A Yes sir.  
Q Is your father living? A No sir.  
Q What was his name? A Lewis Lott.  
Q Is your mother living? A No sir.  
Q What was her name? A Harriet Cosberry.  
Q Through which one of your parents do you say you get your Choctaw blood? A Through both.  
Q How much did your father have? A He was half.  
Q Was he a slave too? A No sir, he was a white man.  
Q How much Choctaw blood did your mother have? A She didn't have none-she was negro.  
Q How old would your father be if he were living now? A I don't know.  
Q Have you any idea? A No sir, look how old I am-he would be about a hundred years old.  
Q Where was he born? A In Copiah County, Mississippi.  
Q Did he live in this State all his life? A Yes sir, bred and born in Copiah.  
Q Was he married to your mother? A No sir, the white folks carried him there when he was seven years old and she lived with the white people all the time.  
Q Did she ever have any other children by this man? A One, a boy.  
Q What was the boy's name? A Orange Lott.  
Q Is he living? A No sir, he's dead-died about three years ago.  
Q Did this man Lewis Lott live with your mother ~~xxxx~~, how long? A I don't know how long-he stayed there-that was her master-she belonged to him.  
Q Do you know the name of Lott's father or mother? A No sir.  
Q But you are quite sure that he had one-half Choctaw blood? A Yes sir, cause his hair was straight and he had black eyes.  
Q White people sometimes have straight hair, don't they? A Yes sir.  
Q Could your father speak or understand the Choctaw language? A Not as I knows of.  
Q You can't? A No sir.

Mary Collins et al--2

- Q Are you married? A No sir.
- Q You have been married? A No sir, never were-I was married before the war-I got a pass from my owner.
- Q What was that man's name? A Jack Collins.
- Q Were you married to him according to slavery custom? A Yes sir, we had a pass.
- Q Have you any children under age for whom you want to apply?
- A No sir, I have four orphan grandchildren with me for whom I want to make application.
- Q What are the names of these orphan grandchildren and their ages? A Tommie Watson.
- Q Is that a girl? A Yes sir.
- Q How old? A Going on fourteen.
- Q What's the name of the next one? A Burney Watson.
- Q How old is Burney? A I reckon he's about ten.
- Q What's the name of the next one of your grandchildren? A Minnie Anderson.
- Q How old is Minnie? A Going on twelve years old.
- Q Next one? A Maggie Anderson; she's ten.
- Q Are these four children living with me? A Yes sir.
- Q Do you support them? A Yes sir.
- Q They are the children of two of your daughters? A No sir, two of them are children of one of my sons and the other two are children of one of my daughters.
- Q What was the name of the father of Tommie and Burney Watson? A Taylor Watson.
- Q How long has he been dead? A About six years, I think.
- Q What's the name of the mother of these children? A Caroline Watson.
- Q How long has she been dead? A About three years.
- Q Was she your daughter? A Yes sir.
- Q Have these children lived with you since her death? A Yes sir.
- Q What was the name of Caroline's father? A Jack Collins.
- Q He had no Choctaw blood? A No sir, I don't know what he had.
- Q Caroline lived in this State all her life, did she? A Yes sir.
- Q What's the name of the father of Minnie and Maggie Anderson? A John Anderson.
- Q How long has he been dead? A He's been dead about four years; he was killed-he was plowing and someone shot him.
- Q What was the name of the mother of these two children? A Helena Anderson was Minnie's and Maggie's mother.
- Q How long has Helena been dead? A Been dead about ten years.
- Q Was Helena your own daughter? A Yes sir.
- Q What was Helena's father's name? A Jack Collins.
- Q She was a full sister of Caroline? A Yes sir.
- Q I understood you to say a while ago that these children-some of them were the children of one of your sons and some are the children of one of your daughters-was that a mistake? A Yes sir, that was a mistake.
- Q This application is for yourself and four minor orphan grandchildren? A Yes sir.
- Q Is your name or the name of any one of these grandchildren on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- Q Has any application of any description ever been made before today for yourself or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.



Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and four minor orphan grandchildren under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Q Did John Anderson have any Choctaw blood? A No sir, not as I know of.

Q Did any of your Choctaw ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A No sir.

Q Where were you living 71 years ago? A I must have been living down there-we come from Copiah before I was grown.

Q You lived in Copiah? A Yes sir.

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

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A No sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of them ever get any land from the Government here in Mississippi under any treaty provision? A No sir.

Q Did any of them ever get any money from the Government? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to stay here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Indians lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government.

These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir.
- Q Did you? A No sir.
- Q Did you or did any of your ancestors ever receive any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A No sir.
- Q So far as you know, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.
- Q Do you know any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence of any description which would show or tend to show such a state of facts? A No sir.
- Q Have you any written evidence ~~in~~ of any kind to offer at his time? A No sir.
- Q Have you any witnesses here today? A No sir-I brought a paper. They couldn't come-didn't have any money to bring any witnesses.

There is offered in evidence the affidavit of Dick Emery and Sarah Johns, received, identified as Exhibit-A, filed and made a part of the records in this case.

If you should find any witnesses whose testimony you desire to have take before the Commission they may appear before us ~~in~~ at any one of the appointments of the Commission here in Mississippi this Winter or Spring or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time in support of your application? A No sir.
- Q Have you any children living? A Yes sir.
- Q How many? A Four.
- Q What are their names? A Eliza Jones.
- Q Next one? A Savannah White.
- Q Next one? A Janie Hooper.
- Q Next one? A Ross Collins-that's a man.
- Q Where do they live? A They live above me in Yazoo County.
- Q Have any of them been before this Commission? A No sir, they aint able.
- Q Have you any other children besides Caroline and Helena who left children? A No sir.
- Q Have you any brothers or sisters living? A No sir, nothing but myself.
- Q Did you ever have any brothers or sisters? A Yes sir, one brother.

Mary Collins et al--5

- Q What was his name? A Orange Lott.  
Q How old would he be if he were living now? A He was older than me--he's been dead about three years.  
Q Did he leave any children? A Left one.  
Q Is that child living? A Yes sir.  
Q What's the child's name? A Mane Williams.  
Q Where does she live? A She lives about five miles east from where my folks live in the swamp.  
Q Have you named all of the descendants of your father, Lewis Lott, who are living? A Yes sir.  
Q Has he any brothers or sisters living? A No sir.  
Q Did you ever see or hear of any of his brothers or sisters?  
A No sir.  
Q You don't speak the Choctaw language? A No sir.

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood. Her hair is almost straight--she does not speak or understand the Choctaw language.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 15th, 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.

*Ira S. Niles*  
Subscribed and sworn to before me this the 14th day of March, 1902,  
at Seale, Mississippi.

*L. B. Woodley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *W. M. ...*

Deputy.

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

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

-----

In the matter of the application of Mary Collins, et al.,  
for identification as Mississippi Choctaws, M.C.E.4897.

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

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
by Mary Collins for herself and her minor grandchildren, Tennie and  
Burney Watson, and Minnie and Maggie Anderson, under the following  
provision of the act of Congress approved June 25, 1898 (30 Stat.,  
495):

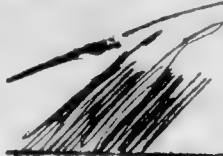
"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw lands  
under article fourteen of the treaty between the United States  
and the Choctaw Nation, concluded September twenty-seventh,  
eighteen hundred and thirty, and to that end may administer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

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

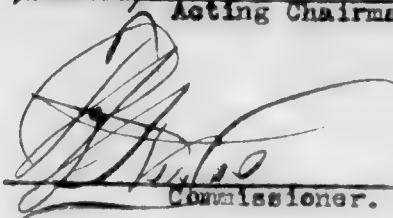
the possession of the Commission that any of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes,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

It is therefore the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Mary Collins, Tommie Watson, Burney Watson, Minnie Anderson and Maggie Anderson as such should be refused, and it is so ordered.

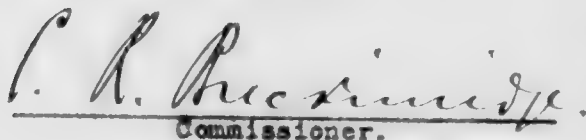
COMMISSION TO THE FIVE CIVILIZED TRIBES,



Acting Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

OCT 17 1907

Muskogee, Indian Territory, September 9, 1902.

Mary Collins,  
Care of S. W. Nelson,  
Yazoo City, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you ask to be advised the present status of your case.

In reply you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor grandchildren as Mississippi Choctaws.

The Commission has not at this time rendered any opinion or decision relative to the right of yourself and grandchildren to be identified as Mississippi Choctaws, but is now considering your application and it is probable that a decision will be rendered in the near future. Upon the rendition thereof you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, October 17, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Collins, et al., applicants for identification as Mississippi Choctaws:

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Mary Collins, Tommie Watson, Burney Watson, Minnie Anderson and Maggie Anderson as such should be refused, and it is so ordered."

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within

Mansfield, McMurray & Cornish-----2

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



Muskogee, Indian Territory, October 17, 1902.

A. W. Jones,  
Agent,  
Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Collins, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of " " 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 under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Mary Collins, Tommie Watson, Burney Watson, Kinnie Anderson and Maggie Anderson as such should be refused, and it is so ordered."

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within

A. W. Jones-----8

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, October 17, 1902.

S. A. Beadle,  
Attorney at Law,  
Jackson, Mississippi.

Dear Sir:-

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Collins, 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 under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Mary Collins, Tommie Watson, Burney Watson, Minnie Anderson and Maggie Anderson as such should be refused, and it is so ordered."

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within

S. A. Beadle----- -2

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

Respectfully,

Acting Chairman

Registered

COPY

M.C.R. 4807

Muskogee, Indian Territory, October 17, 1902.

Mary Collins,

Yazoo City, Mississippi.

Dear Madam:-

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Collins, 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 under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Mary Collins, Tommie Watson, Burney Watson, Minnie Anderson and Maggie Anderson 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

Mary Collins-----2

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

Respectfully,

W.C.

Acting Chairman

Registered.

Muskogee, Indian Territory November 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of Mary Collins, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 17, 1902.

The Commission has the honor to report that the principal applicant herein, her attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the Commissioner  
of Indian Affairs.  
Enc. M C R 4807.

(Copy)

Land.  
67,766-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February 4, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application of Mary Collins for the identification of herself and her minor grandchildren, Tommie and Burney Watson, and Minnie and Maggie Anderson, as Mississippi Choctaws, wherein the Commission rendered a decision adverse to the applicants on October 17, 1902.

The testimony in the case shows that the applicants claim identification as Mississippi Choctaws under this application by reason of their descent from Lewis Lott, who, they claim, was a Choctaw Indian and resident of the Choctaw Nation, in Mississippi at the time of the making of the Choctaw treaty of 1830.

It also appears in the testimony that the mother of the principal applicant was a slave and that she herself was a slave and that the other applicants are her lineal descendants.

The commission rejected the applicants for the reason that under the provisions of the act of Congress approved June 28,



1898, no freedman is entitled to identification as a Mississippi Choctaw.

An examination has been made of the records of the office with reference to the name of Lewis Lott and it is found that his name does not appear among the names of those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

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

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H.

P.

D.C.No.4607-1903.

(COPY)

DEPARTMENT OF THE INTERIOR.

J.W.H.  
FHE.

1240-1903.

Washington.

February 14, 1903.

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

Gentlemen:

November 3, 1902 you transmitted the record in the case involving the applications for identification as Mississippi Choctaws of Mary Collins (M.C.R. 4807), for herself and her minor grandchildren, Tottie and Burney Watson, and Minnie and Maggie Anderson, including your decision of October 17, 1902, refusing to identify them as such.

Mary Collins, the principal applicant, is an ex-slave who was born in 1827 in Copleah County, Mississippi. Said county was also the home of her father, Lewis Lott, a half blood Choctaw, now deceased. It is claimed that her grandfather was a Choctaw Indian named Tom Anderson, but the testimony does not show whether he was her paternal or maternal ancestor.

The mother of said Mary Collins was one Harriett Cosberry, who was a slave and of African descent.

The testimony as furnished by the record fails to show that these applicants or any of their alleged ancestors ever complied or attempted to comply, in person or by

proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

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

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

Reporting in the matter February 4, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department concurs therein, and your decision is accordingly affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 4807.

Muskegee, Indian Territory, February 26, 1903.

Mary Collins,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 14th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Collins, et al., of which decision you were advised by registered mail on the 17th day of October, 1902.

Respectfully,

Chairman.

COPY

AdO

M.C.R. 4807

Muskogee, Indian Territory, February 26, 1903.

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

Gentlemen:

You are hereby notified that on the 14th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Collins, et al., of which decision you were advised by mail on the 17th day of October, 1902.

Respectfully,

RECEIVED

Lewis J. ...

Chairman.

#1912

No. 2158

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

FEB 17 1902

Name

Mary Collins.

Age

75

Blood

1/4

Post Office,

Yazoo City, Miss.

Father:

Lewis Lott -

(1/2) d

Mother:

Harriett Cosberry &

Claims through

father

Claims for ...

Orphan ... children.

Children:

Tommye Watson (1/4) (F) 13

Burley " (M) 10 d

Father Taylor Watson " 1/8 d

Mother Caroline " 1/8 d

Minnie Anderson (1/4) 11

Maggie " (1/4) 10

Father John Anderson " d

Mother Helena " 1/8 d

Stenographer

S. A. Miles.

Choctaw MCR 4808

Thomas Johnson

See MCR 4686, 5486, 5487

MCR 4808

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

---c---

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

Thomas Johnson, et al.,	M.C.R. 4808
Prentiss Johnson, et al.,	M.C.R. 5486
Flora Johnson,	M.C.R. 5487

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

	(Page)
Original application of Thomas Johnson, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Affidavit of James Cheatham-----	7
Affidavit of Marshal Coleman-----	8
Affidavit of Cornelius Jones-----	8
Certified copy of marriage record between Thomas Johnson and Alcy Clark-----	9
Original application of Prentiss Johnson, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	10
Certified copy of marriage record between Prentiss Johnson and Florence Davidson-----	14
Original application of Flora Johnson to the Dawes Commission for identification as a Mississippi Choctaw-----	15
Decision of the Commission refusing the applications in the consolidated case of Thomas Johnson, et al., for identification as Mississippi Choctaws-----	17

---c---



4828

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 15th, 1902.

In the matter of the application of Thomas Johnson for the identification of himself and six minor children, Ida, Malinda, Millie, Arthur L., Winnie and Commodore, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicant,  
A.W. Jones, Agent for applicant.

Said Thomas Johnson, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Thomas Johnson.  
Q How old are you? A Fifty one.  
Q How much Choctaw blood have you? A One quarter.  
Q What's your postoffice address? A Eden, Mississippi.  
Q What County? A Yazoo County.  
Q How long have you lived in Yazoo County? A Most all my life-  
ever since I was quit a child.  
Q Where were you born? A In Madison County, Mississippi.  
Q You have lived in this State all your life? A Yes sir.  
Q Is your father living? A Yes sir.  
Q What's his name? A George Johnson.  
Q Is your mother living? A No sir.  
Q What's her name? A Mary Johnson.  
Q Through which one of your parents do you get your Choctaw blood?  
A My father.  
Q Where was your father born? A In Mississippi.  
Q What County? A I don't know, sir, exactly-He come from Madison  
County.  
Q Did he live here all his life? A Yes sir.  
Q Was he a slave? A No sir.  
Q Were you? A No sir.  
Q Was your mother? A Yes sir.  
Q Was your father married to your mother? A Yes sir.  
Q Married under a license? A I think so but I am not certain-  
that's what I heard them say.  
Q When were they married? A I don't know.  
Q Do you know where they were married? A No sir.  
Q How long did they live together as husband and wife? A Until  
she died.  
Q How many children were born to them? A Five sisters and three  
boys, I think.  
Q Eight in all? A Yes sir.  
Q You claim your father was one half Choctaw Indian? Yes sir.  
Q Could he speak or understand the Choctaw language? A No sir.  
Q Do you know the name of his father or mother? A No sir, I don't  
his father-I know his mother.  
Q What was his mother's name? A Malinda Johnson.  
Q Did she have any Choctaw blood? A Yes sir.  
Q How much? A She claimed to be full Choctaw.  
Q Did you ever see her? A Yes sir.  
Q How long has she been dead? A I think twenty-six years.  
Q How old was she when she died? A About eighty I think.

- Q Where did she live during her life time? A In Choctaw County.  
Q Do you know where she was born? A No sir.  
Q Do you know where she lived prior to your birth? A No sir.  
Q Could she speak or understand the Choctaw language? A No sir, not as I know of. I was so small.  
Q You were well acquainted with her, of course-she died when you were of age? A Yes sir.  
Q Do you mean to swear positively that she was a full blood Choctaw Indian? A Yes sir, that's what she claimed to be.  
Q Did she look like a full blood? A Yes sir, she looked just like an Indian squaw.  
Q Was she a slave? A No sir.  
Q Did she have any other name besides Malinda? A No sir.  
Q Do you know the name of her father or mother? A No sir.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir, my wife that I married lately is living. I married in '74 and my wife died about seven years ago I believe and I married in '99.  
Q Have you any children by your last wife? A One.  
Q Any by your first wife? A Yes sir.  
Q How many? A Four of age and five minor, excusing the one by my present wife.  
Q You want to apply, then, for yourself and six minor children? A Yes sir.  
Q Your wife has no Choctaw blood? A No sir.  
Q What's the name of your present wife? A Ailsey.  
Q What are the names of these children for whom you want to apply?  
A Ida Johnson.  
Q How old? A Eighteen.  
Q Next one? A Malinda.  
Q How old? A Sixteen.  
Q Next one? A Milie.  
Q How old is she? A Twelve.  
Q Next one? A Arthur L.  
Q How old? A Ten.  
Q Next one? A Winnie.  
Q How old? A She's eight.  
Q Are these five children all of your first wife? A Yes sir.  
Q What was her name? A Winnie.  
Q How long has she been dead? A About seven years.  
Q Did she have any Choctaw blood? A No sir.  
Q Are these five children living with you now? A Yes sir.  
Q Were you married to Winnie under a license? A Yes sir.  
Q Where? A In Yazoo County.  
Q When? A '74 I think it was.  
Q Who married you? A Preacher by the name of Wash Goodwin.  
Q Have you that license with you at this time? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your first wife Winnie for use in connection with the application you make for these five minor children.

- Q What's the name of your child by your present wife? A Commodore.  
Q How old is Commodore? A Three years.  
Q Is that all your minor children? A Yes sir.

- Q Commodore is the child of yourself and Ailsey? A Yes sir.  
Q Were you married to her under a license? A Yes sir.  
Q When? A I think it was in '98.  
Q Where? A In Yazoo County.  
Q Who married you? A Preacher by the name of Rich Johnson.  
Q Have you your license with you? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your present wife Ailsey for use in connection with the application you make in behalf of your minor child Commodore. This evidence should be furnished within thirty days from this date.

- Q This application is for yourself and six minor children? A Yes sir.  
Q Is your young child Commodore living with you now? A Yes sir.  
Q Is your name or the name of any one of these children on any of the Choctaw Trial rolls in Indian Territory? A No sir.  
Q Has any application of any description ever been made before today ~~for the identification~~ for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and six minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand that 14th article? A No sir, I don't.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be

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

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek. Do you understand it? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article or ever receive any benefits thereunder? A Not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir, not as I know of.

Q Did any of them live here at that time, when this treaty was made if you know? A Yes sir.

Q What one of your ancestors lived here then? A My grandmother.

Q Malinda Johnson? A Yes sir.

Q Where did she live 71 years ago—that was twenty years before you were born? A She lived in Madison County.

Q Mississippi? A Yes sir.

Q Did she own an improvement there at that time? A No sir.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the ~~present~~ greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir, not as I know of.

Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A No sir, not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir, not as I know of.

Q Did any of them ever get any land under any provision of that treaty? A No sir.

Q Did any of them ever get any money from the Government? A No sir not as I know of.

Q Did any of your Choctaw ancestors ever receive any benefits whatever as Choctaw Indians? A No sir, not that I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent herein Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they did want to

stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.

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

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No sir, not as I know of.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts--any deeds, documents, papers of any kind? A No sir.

Q Have you any written evidence of any kind to offer at this time?

A No sir.

Q Have you any witnesses here at this time? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any of the appointments of the Commission here in Mississippi this Winter or Spring, or within a reasonable time at Muskogee, Indian Territory, and their testimony will be taken.

Thomas Johnson et al--6

- Q Are there any further statements you want to make at this time in support of your application? A No sir.
- Q Have you any brothers living? A No sir, my brother is dead.
- Q Have you any children living who are over 21 years of age or married? A Yes sir.
- Q How many? A I've got two single, three married.
- Q What are their names? A Prentice Johnson.
- Q Next one? A Eliza Johnson-she's a Powell now-she's married.
- Q Next one? A Emma Oakes.
- Q Next one? A Eddie Johnson.
- Q Next one? A Flora Johnson.
- Q Have any of these children been before the Commission? A No sir, none but one.
- Q Which one? A Emma Oakes.
- Q Have you any children dead who left children? A No sir.
- Q Did any of your brothers leave children? A Yes sir, two.
- Q Two brothers left children? A No sir, one brother left two children.
- Q What was his name? A James Johnson.
- Q Are these children living? A Yes sir.
- Q What are their names? A Woodie Johnson and Fred Johnson.
- Q Have they been before the Commission? A No sir.
- Q Have you any sisters living? A Yes sir.
- Q How many? A Five.
- Q Have any of them been before the Commission? A Yes sir, all of them.
- Q What are their names? A Malinda Johnson and Millie Johnson.
- Q Are they married? A Yes sir.
- Q Is Johnson their married name? A Yes sir.
- Q Next one? A Lizzie Preston.
- Q Next one? A Dora Nelson and Ada Nelson.
- Q Have you any sisters dead who left children? A No sir.
- Q Are any of your father's brothers or sisters living? A No sir, not as I know of.
- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro largely predominates. He does not speak or understand the Choctaw language.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 15th, 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 14th day of March, 1902, at Seale, Mississippi.

*L. B. Massey*  
Clerk U. S. Circuit Court, Southern District of Mississippi.

By *[Signature]*

Deputy.



089

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

---0---

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

Thomas Johnson, et al.,	M.C.R. 4808
Prentiss Johnson, et al.,	M.C.R. 5486
Flora Johnson,	M.C.R. 5487

---: 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 Thomas Johnson for himself and his six minor children, Ida, Malinda, Millie, Arthur L., Winnie and Commodore Johnson; by Prentiss Johnson for himself and his minor child, Burris Johnson; and by Flora Johnson for herself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

It also appears that all of said applicants claim rights

in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Malinda Johnson, 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 none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Malinda Johnson, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the



evidence herein is insufficient to determine the identity of Thomas Johnson, Ida Johnson, Malinda Johnson, Millie Johnson, Arthur L. Johnson, Winnie Johnson, Commodore Johnson, Prentiss Johnson, Burris Johnson and Flora 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.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*James Dixby.*

Chairman.

*I. B. Needles.*

Commissioner.

*C. H. Breckinridge.*

Commissioner.

*W. F. Stanley.*

Commissioner.

Muskogee, Indian Territory,

MAR 15 1904

Miss. Choctaw 4808

Muskogee, Indian Territory, April 10, 1902.

Prentiss Johnson,

Yazoo City, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 5, in which you state that your father has appeared before the Commission and made application for identification of himself and his minor children as Mississippi Choctaw, but that you are of age and now wish to make application before the Commission between April 14 and 30, 1902, inclusive, at Meridian, Mississippi. You ask if it will be necessary for you to employ an attorney to represent you.

In reply to your letter you are advised that if you wish to present your claim to identification as a Mississippi Choctaw, you will be heard upon your personal appearance before the Commission at Meridian, Mississippi, between April 14 and April 30, 1902, inclusive. As to whether you should secure the services of an attorney to represent you, you are advised that this is a matter which is entirely within your own discretion.

Yours truly,

Commissioner in Charge.

M C R 4686

M C R 4808

Muskogee, Indian Territory, December 29, 1903.

Thomas Johnson,

Eden Station, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you ask the status of your application, and also that of your father, George Johnson, for identification as Mississippi Choctaws.

In reply you are informed that it appears from our records that you made application to this Commission for the identification of yourself and six minor children as Mississippi Choctaws, but up to the present time no decision has been rendered relative to the rights of yourself and children to such identification. When a decision is rendered you will be notified thereof.

As to the status of the application of your father, George Johnson, you are advised that his right to be identified as a Mississippi Choctaw has not yet been finally determined, the record in said case being now in the hands of the Secretary of the Interior. He will be duly notified of any departmental action taken therein.

Respectfully,

Chairman.

OPY.

M.C.H. 4808.

Muskogee, Indian Territory, April 5, 1904.

Thomas Johnson,  
Eden, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas Johnson et al., including you and your children Ida Johnson, Malinda Johnson, Millie Johnson, Arthur L. Johnson, Winnie Johnson and Cornmore Johnson.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that 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)

Registered.

Commissioner in Charge.

M.C.R. 4801.

Muskogee, Indian Territory, April 5, 1904.

A. W. Jones, Agent,  
Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification of the several persons included in the consolidated case of Thomas Johnson et al., which embraces the following cases:

Thomas Johnson, et al.,	M.C.R. 4808.
Prentiss Johnson, et al.,	M.C.R. 5486
Flora Johnson,	M.C.R. 5487.

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

Respectfully,  
(SIGNED)

Registered.

Commissioner in Charge.

M.C.R. 4802.

Muskogee, Indian Territory, April 5, 1904.

E. A. Beadle,  
Attorney at Law,  
Jackson, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas Johnson, et al., which embraces the following cases:

Thomas Johnson, et al.,	M.C.R. 4808.
Prattiss Johnson, et al.,	M.C.R. 5486.
Flora Johnson,	M.C.R. 5487.

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

Respectfully,

(SIC)

Registered.

Commissioner in Charge.

M.C.R. 4808.

Muskogee, Indian Territory, April 5, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas Johnson et al.

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

Respectfully,

Inc. M.C.R. 4808.

Commissioner in Charge.

(COPY.)

Muskogee, Indian Territory, April 21, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of Thomas Johnson et al., applicants to the Commission for identification of Mississippi Choctaws, including the decision of the Commission of March 18, 1904.

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

Thomas Johnson et al., M.C.R. 4808  
Prentiss Johnson et al., M.C.R. 5486  
Flora Johnson, M.C.A. 5487.

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

Respectfully,

(Signed) TANS BIXBY,

Through the  
Commissioner of Indian Affairs.

Chairman.

2 Enc. MCR 4808.



M.C.R.4806  
M.C.R.4686

Muskogee, Indian Territory, April 28, 1904.

A. J. Oakes,

Yazoo City, Mississippi.

Dear sir:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you request that the record in the Mississippi Choctaw applications of Thomas Johnson, Krentiss Johnson and Flora Johnson be forwarded to the Department for consideration in connection with the consolidated Mississippi Choctaw case of George Johnson, et al.

In reply to your letter you are informed that the record in the consolidated Mississippi Choctaw case of George Johnson, et al., was forwarded to the Department September 15, 1903, and the record in the consolidated Mississippi Choctaw case of Thomas Johnson, et al., was also forwarded the Department on April 21, 1904.

On this date the Secretary of the Interior has been advised that the applicants in these two consolidated cases are related in order that the record in one case might be considered in connection with the other.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 29, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to the report of the Commission of April 21, 1904, in the consolidated Mississippi Choctaw case of Thomas Johnson, et al., in which case a decision was rendered adversely to the applicants by this Commission on March 15, 1904, and the record forwarded the Department April 21, 1904, it appears that the applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of George Johnson, et al., (H.C.R. 4086), in which case a decision was rendered August 7, 1902, the record in said case being remanded by the Department for further hearing February 25, 1903, and again forwarded the Department September 15, 1903.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

JY-53.

DC-21483-1904.

(COPY)

J.W.H.

LLB

(COPY)

DEPARTMENT OF THE INTERIOR,

ITD.4638-1904.

WASHINGTON, June 21, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

April 21, 1904, you transmitted the record in the consolidated case involving the applications of Thomas Johnson et al (M.C.R. 4808), for identification as Mississippi Choctaws, including your decision of March 15, 1904, refusing to identify them as such.

Reporting in the matter June 6, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.

2

Land.  
28293-1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, June 6, 1904.

{copy}

The Honorable,

The Secretary of the Interior.

Sir:

Permit me to invite your attention to record of the Commission to the Five Civilized Tribes, in the matter of the application of Thomas Johnson for the identification of himself and his six minor children, Ida, Malinda, Millie, Arthur L., Winnie and Commodore Johnson; by Prentiss Johnson for himself and his minor child, Burriss Johnson; and by Flora Johnson for herself, as Mississippi Choctaws, wherein a decision adverse to their claims was rendered by the Commission on March 15, 1904.

The applicants in this case were at the time of the taking of the testimony residents of the State of Mississippi, the examination being held at Meridian, Mississippi, before representatives of the Commission. They claim their right to identification as Mississippi Choctaws on their descent from Malinda Johnson, who is alleged to have been a Choctaw Indian and a resident of the Choctaw country in Mississippi in 1830. It is alleged that she at that time lived in Madison County, Mississippi, but as to whether she or any other ancestor complied with the provisions of the Fourteenth Article of the Choctaw Treaty of 1830 they are unable to state, their main reliance being placed on their Choctaw blood derived through this ancestor.

The only Johnsons who were beneficiaries under the Fourteenth Article of the Choctaw Treaty of 1830, were George Johnson, a resident of

what is now Clarke County, Mississippi, who had in his family at that time four children over and four under ten years of age, and his son, Silas D. Johnson, who was also a resident of Clarke County, and Mary Johnson, who was a resident at that time of Jasper County, Mississippi, and who had in her family at that time two children under ten years of age. The office has not the names of these children.

The Commission rejected the applicants herein because an examination of its records failed to show that Malinda Johnson was a beneficiary under the Fourteenth Article of the Choctaw Treaty, or the subsequent legislation relative thereto.

An investigation of the records of this office fails to show the name of Malinda Johnson as either beneficiary or applicant for benefits under the provisions of the Fourteenth Article of the Choctaw Treaty of 1830, and since she was a resident of Madison County, and presumably from the testimony the head of a family at that time, it is evident she could not have been a member of the family of George Johnson, or of Mary Johnson.

It is therefore my opinion that the applicants are not descendants of a beneficiary of a Fourteenth Article of the Choctaw Treaty of 1830; that the decision of the Commission rejecting them is proper; and I therefore recommend that it be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E. B. H. - L. C.

COPY.

Muskogee, Indian Territory, June 30, 1904.

Thomas Johnson,

Eden, Mississippi,

Dear Sir:

You are hereby notified that on the 21st day of June, 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 Thomas Johnson et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

M.C.R. 4808

COPY.

Muskogee, Indian Territory, June 30, 1904.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi,

Dear Sir:

You are hereby notified that on the 21st day of June, 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 Thomas Johnson et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, June 30, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 21st day of June, 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 Thomas Johnson et al., of which decision you were advised by mail on the 5th day of April, 1904.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.



Supplemental to 4686

Consolidated Case  
of  
Thomas & Johnson et al

4686

OFFICE      Age      Sex      Blood      Year      COUNTY

TRIBAL ENROLLMENT

CHOCTAW

Supplemental to

mer  
4808  
Ida Johnson 18  
Malinda " 16  
Millie " 12  
Arthur L. " 10  
Winnie " 8  
Commodore " 3

(106?)  
Malinda Johnson (fl)  
dead

(186?)  
George Johnson  
wife  
Mary Johnson  
(slaved dead)

mer  
4180  
Thomas Johnson 51- $\frac{1}{4}$   
(Tom Tom)  
wife  
① Minerva Johnson  
(dead)  
② Winnie Johnson  
(dead)  
③ Ailsey Johnson  
(on Aley) (nee Clark)

mer  
5486  
Prentiss Johnson 27- $\frac{1}{8}$   
mar

mer  
5486  
Burriss Johnson, no

Florence Davidson

mer  
5487  
Flora Johnson 24- $\frac{1}{8}$

Eliza Johnson  
mar  
Powell

Eddie Johnson

James Johnson  
dead

Woodie Johnson  
Fred Johnson

For Identification as a Mississippi Choctaw.

Meridian Miss. FEB 15 1902

Name Thomas Johnson

Age 51 Blood 1/4

Post Office Eden, Miss

Father: George Johnson (1/2) L

Mother: Mary " d)

Claims through father

wife Aileen Johnson S  
no claim for her.

(Children not children)

Children:

Ida Johnson 18

Malinda " 16

Millie " 12

Arthur L " 10

Winnie " 8

Mother Winnie Johnson d)  
no Choctaw blood.

Commodore Johnson (M) 3

father mother Malinda Johnson, 11/15/8.

Stenographer

J. D. Niles

Choctaw MCR 4809

Nicie Doungon

MCR 4809

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 15th, 1902.

In the matter of the application of Nicie Doungon for the identification of herself and two minor children, Lartena Thomas and Frederick Thomas, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicant,  
A.W. Jones, Agent for applicant.

Said Nicie Doungon, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Nicie Doungon.  
Q How old are you? A Twenty-four.  
Q How much Choctaw blood have you? A One quarter.  
Q What's your postoffice address? A Yazoo City, Mississippi.  
Q How long have you lived in Choctaw County? A All my life.  
Q Is your father living? A No sir.  
Q What was his name? A Albert Doungon.  
Q Is your mother living? A No sir.  
Q What was her name? A Kliza Doungon.  
Q Through which one of your parents did you get your Choctaw blood? A Father.  
Q What relation are you to Howard Doungon who just appeared before the Commission? A Half sister.  
Q Did you have the same father? A Yes sir.  
Q What relation are you to ~~Ellax~~ Tucker who just appeared before the Commission? A A whole sister.  
Q Where was your father born? A In Kemper County, Mississippi?  
Q How long did he live there? A I don't know how long.  
Q Where else did he live? A He come from there in Mississippi.  
Q Where? A Near Sartartia.  
Q In Choctaw County? A Yes sir.  
Q Did he live in this State all his life? A Yes sir.  
Q Through which one of his parents did he get his Choctaw blood?  
A Father.  
Q What was his name? A Albert Doungon.  
Q Was your father's father a full blood Choctaw? A Yes sir.  
Q He was? A Yes sir.  
Q Did you ever see him? A No sir.  
Q Do you know anything about him? A No sir, no more than what I heard-what my father told me.  
Q Are you married? A No sir.  
Q Have you ever been married? A No sir.  
Q Have you any children? A Yes sir.  
Q How many? A Two.  
Q What are their names and ages? A Lartena Thomas.  
Q How old? A Six years old.  
Q Next one? A Frederick Thomas.  
Q How old? A One year old.  
Q Are these children living with you at this time? A Yes sir.  
Q What's the name of their father? A Charley Thomas.

- Q Has he any Choctaw blood? A No sir.
- Q Is he living? A Yes sir, the last I heard of him he was living.
- Q This application is for yourself and two minor children, is that right? A Yes sir.
- Q Is your name or the name of your oldest child to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- Q Has any application ever been made before today for yourself or either of these children for the purpose of establishing your rights as Choctaw Indians? A No sir, not that I know of.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under this 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not that I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi or Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A Not that I know of.
- Q Did any of them, in fact, live here at that time? A Yes sir.
- Q Which one? A My grandmother and grandfather.
- Q What was your grandfather's name? A Albert Doungon.
- Q Where did he live 71 years ago? A Choctaw County.
- Q Mississippi? A Yes sir.
- Q How do you know he did? A Because my father always told me and I have heard others say so.
- Q That he lived here at that particular time? A Yes sir.
- Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not that I know of.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A Not that I know of.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q Did any of them ever get any land from the Government here in Mississippi, to your knowledge? A No sir.
- Q Or any money? A No sir.
- Q You have heard the explanation as to the causes which brought about certain acts of Congress between the years 1837 and 1842, providing for the appointment of Commissioners to come down here to Mississippi and hear the claims of Choctaws under article 14 of the treaty of Dancing Rabbit Creek, have you not? A Yes sir.
- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir.
- Q Did any of your ancestors ever get any scrip from the Government of the United States under this act of Congress approved August 23, 1842? A Not that I know of.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or

Nicie Doungon et al--3

- ever received any benefits under that article? A No sir.  
Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No sir.  
Q You don't know of any, then? A No sir.  
Q Have you any written evidence to offer at this time? A My brother Howard offered some that I want considered in my case.  
Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here in Mississippi at any one of the appointments of the Commission this Winter or Spring, or within a reasonable time at Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time?  
A No sir.

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood largely predominates, although her hair is almost entirely straight. She does not speak or understand the Choctaw language. Her features and facial expression are those of a negro.

-----

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, February 15th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 14th day of March, 1902,  
at Seale, Mississippi.

*L. B. Wiley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By

*Nicie*

Deputy.

Muskogee, Indian Territory, August 7, 1902.

Micie Doungon,

Yazoo City, Mississippi.

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 Micie Doungon, et al., embracing the following applications for identification as Mississippi Choctaws:

Howard Doungon, et al.,	M C R 4811
Ella Tucker, et al.,	M C R 4810
Micie Doungon, et al.,	M C R 4809

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:



W D-3.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Howard Doungon, Adeline Doungon, Heward Doungon Jr., Bennett Doungon, John Doungon, Kila Tucker, Freddie Tucker, Berta Tucker Marguerite Tucker, Nicie Doungon, Lartena Thomas and Frederick Thomas as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the 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. 4808  
: 4810  
: 4811

Muskogee, Indian Territory, September 8, 1909.

Ella Tucker,

Yazoo City, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 27th ult., relative to the decision of the Commission refusing the applications for identification as Mississippi Choctaws of yourself, Howard Doungon and Nicie Doungon.

You ask to be advised wherein the evidence introduced by you was insufficient, and also whether your attorney, A.W. Jones, filed affidavits in your case.

In reply, you are informed that the evidence submitted in these cases is the oral statements of the several applicants and the affidavit of Wiley Claborn.

Relative to the insufficiency of your evidence, the authority vested in this Commission to determine the identity of Mississippi Choctaws is contained in the 21st section of the act of Congress approved June 28, 1898, and is as follows:

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

The fourteenth article of the treaty of 1830, referred to in the above legislation, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion 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 Indians who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by

173

either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The several applicants in these cases have failed entirely to submit any evidence tending to show any act of compliance on the part of their ancestors with any of the provisions of the fourteenth article of the Choctaw treaty of 1830. The Commission on August 7, 1902, rendered its decision refusing their applications and on the same date notified them of such decision and of the forwarding of the record to the Secretary of the Interior for review.

They will be duly notified of any action taken by him.

Yours truly,

Acting Chairman.

Q. 1

H.C.R. 4811

Muskogee, Indian Territory, February 14, 1903.

Howard Doungon,

Satartia, Mississippi.

Dear Sir:

You are hereby notified that on the 2nd 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 Howard Doungon, et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

*Tame Dickson*  
Acting Chairman.

M.C.F. 4809

Muskogee, Indian Territory, February 14, 1903.

Micie Dounson,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 2nd 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 Howard Dounson, et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

*Jame Dixie.*  
Acting Chairman.

For Identification as a Mississippi Choctaw.  
Meridian Miss.  
Date FEB 15 1902

Name *Nicie Doungon*

Age *24* Blood *1/4*

Post Office *Yazoo City Miss.*

Father: *Albert Doungon d*

Mother: *Eliza Doungon d*

Claims through father.

Claims for *2*  
Children

Children:

<i>Lartena Thomas</i>	<i>6</i>
<i>Frederick "</i>	<i>1</i>
<i>Father Charley Thomas</i>	<i>2</i>
<i>No Choctaw blood</i>	

Stenographer

*J. S. Miles*

Nicie Doungon et al

REFUSED

AUG 11 1902

OFFICE OF THE COMMISSIONER OF IMMIGRATION

RECORD FORWARDED DEPARTMENT.

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

FEB 14 1903

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY OF APPLICANT.

RECEIVED

X



Choctaw MCR 4810

Ella Tucker

MCR 4810

4810

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 15th, 1902.

In the matter of the application of Ella Tucker for the identification of herself and three minor children, Freddie, Berta, and Marguerite, as Mississippi Choctaws.

APPEARANCES: S. A. Beadle, Attorney for applicant,  
A. W. Jones, Agent for applicant.

Said Ella Tucker, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Ella Tucker.  
Q How old are you? A Twenty-six.  
Q How much Choctaw blood have you? A One-fourth.  
Q What's your postoffice address? A Yazoo City.  
Q How long have you lived in Yazoo County? A Lived there all my life.  
Q Is your father living? A No sir.  
Q What was his name? A Albert Dounson.  
Q Is your mother living? A No sir.  
Q What was her name? A Eliza Dounson.  
Q Through which one of your parents do you get your Choctaw blood?  
A My father.  
Q How long has your father been dead? A He's been dead five years.  
Q How old was he when he died? A Seventy-five.  
Q Where was he born? A Born in Kemper County, Mississippi.  
Q How long did he live there? A I don't know, sir, exactly. I never did hear him say.  
Q Where did he go to from there? A He come down this way.  
Q Which way do you mean? A Toward Yazoo County. He was already in Choctaw County.  
Q I thought you said he was born in Kemper? A Well, he was-that's in Yazoo County, isn't it?  
Q Who told you to say that your father was born in Kemper? A Wasn't nobody.  
Q Do you think Kemper County is in Choctaw County, Mississippi? A No sir, that's where he said he was born.  
Q Through which one of his parents did your father get his Choctaw blood? A From his father.  
Q What was his father's name? A Albert Dounson.  
Q Where did he live? A He lived in Choctaw County.  
Q Were you acquainted with him? A No sir, I never did know him.  
Q How much Choctaw blood did he have-your grandfather? A He claimed to be a whole Choctaw, my father said so.  
Q Do you know anything about him? A No sir.  
Q Were he and your father's mother married? A They stayed together.  
Q How do you know? A My father said so.  
Q How long did they stay together? A I don't know, sir.  
Q Were your father and mother married? A Yes sir.  
Q When? A I don't know, sir, when they married but they said they were married; my mother said so.

Ella Tucker et al--2

Q How long did they live together? A I don't know sir-they lived together to have six children.

Q Did they live together until one or the other of them died? A Yes sir.

Q What relation are you to Howard Doughton who just appeared before the Commission? A I am a half sister to him-his father and my father were the same man.

Q Was his mother dead when your father married our mother? A Yes sir.

Q Are you married? A Yes sir.

Q Is your husband living? A Yes sir.

Q What's his name? A Harrison Tucker.

Q Is he an Indian? A No sir.

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

Q How many children have you? A I have three children.

Q What are their names and ages? A Freddie.

Q How old is he? A Five years old.

Q Next one? A Berta.

Is that a girl? A Yes sir.

Q How old? A Three.

Q Next one? A Marguerite-she's one year old.

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

Q Are they all the children of yourself and Harrison Tucker? A Yes sir.

Q This application, then, is for yourself and three minor children?

A Yes sir.

Q Is your name or the name of any one of these children on any of the Choctaw Tribal rolls in Indian Territory? A No sir.

Q Has any application of any description ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article or ever receive any benefits thereunder? A Not as I know of.

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

Q Did any of them, in fact, live here at that time, 71 years ago? A Not as I know of.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q. Did any of them ever get any land here in Mississippi under any treaty provision? A. No sir, not as I know of.

Q. Did any of them ever get any money from the Government? A. No sir not that I know of.

Q. You have heard the explanation as to the causes which brought about certain acts of Congress between the years 1837 and 1842, providing for the appointment of Commissioners to come down here to Mississippi and hear claims under the 14th article of the treaty of Dancing Rabbit Creek, haven't you? A. Yes sir.

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

Q. Did any of them ever get any scrip from the Government of the United States under the act of Congress approved August 23, 1842?

A. Not as I know of.

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

Q. Do you know of any written evidence which would prove or tend to prove such a state of facts? A. No sir.

Q. Have you any written evidence to offer at this time? A. No sir, no more than what my brother gave in.

Commissioner:

The evidence in his case will also be considered in your case.

Q. Have you any witnesses here today? A. No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of the appointments of the Commission here in Mississippi this Winter or Spring or within a reasonable time at Muskogee, Indian Territory, and their testimony will be taken.

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

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

This applicant has the appearance of being possessed of a mixture of either white or Indian blood and negro, in which the negro blood largely predominates, although her hair is almost entirely straight. She does not speak or understand the Choctaw language. Her features and facial expression are those of a negro.

-----  
Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in

Ella Tucker et al--4

full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 15th, 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.

*L. B. Mosely*

Subscribed and sworn to before me this the 14th day of March, 1902,  
at Seale, Mississippi.

*L. B. Mosely*

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

By

*[Signature]*

Deputy.

Muskogee, Indian Territory, August 7, 1902.

Ella Tucker,  
Yazoo City, Mississippi.

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 Howard Doungon, et al., embracing the following applications for identification as Mississippi Choctaws:

Howard Doungon, et al.,	M C R 4811
Ella Tucker, et al.,	M C R 4810
Nicie Doungon, et al.,	M C R 4809

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:

R T-2.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Howard Doungon, Adaline Doungon, Howard Doungon Jr., Bennett Doungon, John Doungon, Ella Tucker, Freddie Tucker, Berta Tucker, Marguerite Tucker, Ficie Doungon, Lartena Thomas and Frederick Thomas as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the 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]*

*[Signature]*

Acting Chairman.

Registered.

M.C.R. 4809  
• 4810  
• 4811

Muskogee, Indian Territory, September 8, 1908.

Elia Tucker,

Yazoo City, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 27th ult., relative to the decision of the Commission refusing the applications for identification as Mississippi Choctaws of yourself, Howard Doungon and Niole Doungon.

You ask to be advised wherein the evidence introduced by you was insufficient, and also whether your attorney, A.W. Jones, filed affidavits in your case.

In reply, you are informed that the evidence submitted in these cases is the oral statements of the several applicants and the affidavit of Wiley Olaborn.

Relative to the insufficiency of your evidence, the authority vested in this Commission to determine the identity of Mississippi Choctaws is contained in the 21st section of the act of Congress approved June 26, 1898, and is as follows:



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

The fourteenth article of the treaty of 1830, referred to in the above legislation, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion 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 Indians who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by

1 T 3

either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The several applicants in these cases have failed entirely to submit any evidence tending to show any act of compliance on the part of their ancestors with any of the provisions of the fourteenth article of the Choctaw treaty of 1830. The Commission on August 7, 1908, rendered its decision refusing their applications and on the same date notified them of such decision and of the forwarding of the record to the Secretary of the Interior for review.

They will be duly notified of any action taken by him.

Yours truly,

Acting Chairman.

COMMISSIONERS:  
HENRY L. DAVIS,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

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

PLEASE REPLY TO THE FOLLOWING

M.C.R. 4810

Muskogee, Indian Territory, February 14, 1903.

Ella Tucker,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 2nd 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 Howard Doungon, et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,



Acting Chairman.

For Identification as a Mississippi Choctaw.

Meridian Miss

FEB 15 1902

Date

Name Ella Tucker

Age 26 Blood 1/4

Post Office, Yazoo City, Miss.

Father: Albert Douglass ✓

Mother: Eliza " ✓

Claims through father ✓  
husband

Harrison Tucker ✓

No claim for husband.

(H. ...)

Children:

Freddie Tucker (M) 5

Berta " (F) 3

Marquerite " (F) 1

father's other ...

Stenographer

J. S. Niles

Ellar Tucker, et al.

ED  
A

APR 1912

NATIONS

DEPARTMENT

APPROVED BY DIRECTOR CENTER OF

3

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

FEB 11 1913

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

DEPARTMENTAL ACTION  
FOR CHOGTAW  
KASAW NATIONS.

4700 CITY  
W.C. 1900

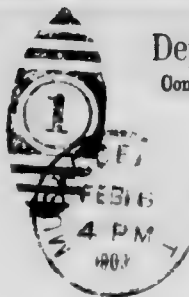
INTL  
FILED  
MAR 23 1900

*Hick*

48/10

MURKIN  
MAR 23 1900

103



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

~~Ella Tucker,~~

Yazoo City, Mississippi.

Choctaw MCR 4811

Howard Doughton

See MCR 4809, 4810

MCR 4811



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

-----;-----

In the matter of the application of Howard Dounon,  
et al., for identification as Mississippi Choctaws, consolidating  
the applications of

Howard Dounon, et al.....M.C.R. 4811  
Ella Tucker, et al.....M.C.R. 4810  
Nicie Dounon, et al.....M.C.R. 4809.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the consolidated case of  
Howard Dounon, et al

Original application of Howard Dounon,  
et al., to the Dawes Commission for iden-  
tification as Mississippi Choctaws.....1  
Supplemental testimony of Howard Dounon.....7  
Affidavit of Wiley Glaborn.....8  
Original application of Ella Tucker, et  
al., to the Dawes Commission for identi-  
fication as Mississippi Choctaws.....9  
Original application of Nicie Dounon, et  
al., to the Dawes Commission for identi-  
fication as Mississippi Choctaws.....13  
Decision of the Commission denying the  
applications in the consolidated case of  
Howard Dounon, et al., for identifica-  
tion as Mississippi Choctaws.....16.

-----;-----

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 15th, 1902.

In the matter of the application of Howard Doungon for the identification of himself and for minor children, Adeline, Howard Jr., Bennett and John Doungon, as Mississippi Choctaws.

APPEARANCES: S.A. Readle, Attorney for applicant,  
A.W. Jones, Agent for applicant.

Said Howard Doungon, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Howard Doungon.  
Q How old are you? A Thirty-seven.  
Q How much Choctaw blood have you? A I reckon one quarter.  
Q What's your postoffice address? A Satartia, Mississippi.  
Q What County? A Yazoo County.  
Q How long have you lived in Yazoo County? A I been there ever since I could remember myself-I suppose I was born there.  
Q Is your father living? A No sir.  
Q What was his name? A Albert Doungon.  
Q Is your mother living? A No sir, she's dead.  
Q What was her name? A Susannah Doungon.  
Q Through which one of your parents do you get your Choctaw blood? A My father.  
Q How much Choctaw blood did your father have? A He claimed to be half.  
Q Was he a slave? A No sir.  
Q Was your mother? A I don't know, sir, about her.  
Q Do you know about him? A My mother died when I was quite young-I don't know about her.  
Q How long has your father been dead? A Four years.  
Q How old was he when he died? A Seventy-five.  
Q Did have any other name besides Albert Doungon? A No sir, I don't know of any.  
Q Where was he born? A He was born in Kemper County.  
Q Mississippi? A Yes sir.  
Q Lived here in Mississippi all his life? A Yes sir.  
Q How long did he live in Kemper County, do you know? A No sir, I don't know.  
Q Could he speak or understand the Choctaw language? A I don't know, sir.  
Q Through which one of his parents did he get his Choctaw blood?  
A His father.  
Q What was his name? A Albert Doungon.  
Q Did you ever see him? A No sir.  
Q How much Choctaw blood did he have? A My father claimed he was full.  
Q Where did he live? A He lived in Choctaw County.  
Q Mississippi? A Yes sir.  
Q Did he live here in this State all his life-your grandfather? A I don't know, sir.  
Q You don't know anything about him-do you? A No sir, I don't.

- Q Do you know the name of your father's mother? A Yes sir.  
Q What was her name? A Charlotte.  
Q Was she a slave? A No sir, he said she was a black woman.  
Q Was your father's father married to her? A I couldn't say they stayed together.  
Q How many children did she have by him? A He said there was two of them-my father said so-he said he had a sister.  
Q Did you ever see her? A No sir.  
Q Is she living now? A Not as I know of.  
Q Do you know how long this full blood and Charlotte lived together? A No sir.  
Q You have no idea how long? A No sir.  
Q Were your father and mother married? A They told me they was married by the old slavery laws.  
Q How many children were born to them? A Four.  
Q Did they live together until she died? A Yes sir.  
Q You don't know anything about any of your ancestors further back than your father's father? A No sir.  
Q Are you married? A Yes sir.  
Q Have you been married more than once? A No sir, just once.  
Q Is your wife living? A Yes sir.  
Q What's her name? A Mary Doungon.  
Q Has Mary any Choctaw blood, to your knowledge? A No sir, not to my knowledge.  
Q You make no claim for her, then? A No sir.  
Q Have you any children? A Yes sir.  
Q How many? A Four.  
Q What are their names and ages? A Adeline.  
Q How old is she? A Seven years old.  
Q Next one? A Howard Jr.  
Q How old? A Four.  
Q Next one? A Bennett.  
Q Is that a boy or girl? A Girl.  
Q How old? A Two years old.  
Q The oldest one is a girl? A Yes sir.  
Q Next one? A John.  
Q How old? A About ten months old.  
Q Is that all your children? A Yes sir.  
Q Are they all the children of yourself and Mary Doungon? A Yes sir.  
Q Were you married to your wife Mary under a license? A Yes sir.  
Q When were you married to her under a license? A I was married in '87.  
Q Where? A In Yazoo County.  
Q Have you your license with you at this time? A No sir

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Mary for use in connection with the application you make for your minor children. This should be furnished within thirty days from this date.

- Q This application is for yourself and four children? A Yes sir.  
Q Is your name or the name of any one of these children on any of the Choctaw Tribal rolls in Indian Territory? A No sir.

- Q Has any application ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A Not as I know of.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and four minor children under article 14 of the treaty of Dancing Rabbit Creek? A I do.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes sir, I understand it.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not as I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.
- Q Did any of them, in fact, live here at that time 71 years ago? A Yes sir, my father did.
- Q Where did he live at that time? A He was living there in Yazoo County.
- Q Do you know what part? A Yes sir, in Yazoo County.
- Q Do you know what part of the County? A No sir.
- Q Was your father living here in the old Choctaw Nation 71 years ago, if you know? A He was living in Kemper County, then.
- Q Do you know whether he owned an improvement here at that time? A No sir.
- Q Or whether his parents did? A No sir.
- Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not as I know.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.
- Q Did any of them ever get any land here in Mississippi under any other article of that treaty? A Not as I know of.
- Q Did any of them ever get any land here in Mississippi from the Government, to your knowledge? A No sir, not as I know of.
- Q Did any of them ever get any money from the Government? A No sir, not as I know of.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and

which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

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

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

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

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know of any.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence to offer at this time? A Yes sir.

The affidavit of Wiley Claborn is offered in evidence, identified as Exhibit-A, filed and made a part of the records in this case.

Q Who is Wiley Claborn? A He lives in Yazoo County.

Q What color is he? A He is a colored man.

Q Is he any kin to you? A No sir.

Q Is that all the written evidence you have now? A Yes sir.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of the appointments of the Commission here in Mississippi this Winter or Spring or within a reasonable time at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make? A No sir.
- Q Have you any sisters living? A Yes sir.
- Q How many? A One whole sister.
- Q What's her name? A Mary Jones-she's married.
- Q Is she here today? A No sir.
- Q Have you any half sisters on your father's side? A Yes sir.
- Q How many? A Three.
- Q What are their names? A Nicey Dounon.
- Q Is she married? A No sir.
- Q Next one? A Ella Tucker and Callie Hammonds.
- Q Are any of them here today? A Yes sir.
- Q Which ones? A Ella and Nicey.
- Q Have either of your other sisters been before the Commission?
- A No sir.
- Q Have you any brothers living? A Yes sir-a half brother by my father.
- Q What's his name? A Major-I don't know where the other is-I haven't seen him for a year.
- Q What was his name? A Shed Dounon.
- Q Have you any brothers or sisters dead who left children? A Yes sir.
- Q How many brothers or sisters? A I've got one half sister.
- Q Left how many children? A Four children living.
- Q What was her name? A Callie Hammonds.
- Q What was her husband's name? A Charley Hammonds.
- Q Is he living now? A Yes sir.
- Q Do these children live with him? A Yes sir.
- Q What are their names? A Mary is the oldest.
- Q Next one? A Charity.
- Q Next one? A I don't know the other.
- Q Have you any other brothers or sisters dead who left children?
- A Yes sir.
- Q How many? A One brother.
- Q What was his name? A William Dounon.
- Q How many children did he leave? A One.
- Q Is that child living now? A Yes sir.
- Q What's its name? A Milton Dounon.
- Q With whom does he live? A He lives in Yazoo City with his grandfather.
- Q What's his grandfather's name? A Wash Rose.
- Q Are any of your father's brothers or sisters living? A Not as I know of.
- Q Are any of the children of any of them living? A No sir, not as I know of.
- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance of being a full blood negro-has none of the characteristics of an Indian. He

Howard Doungon et al--6

does not speak or understand the Choctaw language.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 15th, 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.

*Ira S. Niles*

Subscribed and sworn to before me this the 14th day of March, 1902,  
at Seale, Mississippi.

*L. B. Mosley*  
Clerk U. S. Circuit Court, Southern  
District of Mississippi.

By

*[Signature]*

Deputy.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, April 14th, 1902.

Additional testimony in the matter of the application of Howard Doungon et al for identification as Mississippi Choctaws, M.C. R. 4811.

Said Howard Doungon, being first duly sworn, testified as follows:

Appearances: A.W. Jones, Agent for applicant.

Examination by the Commission.

Q What's your name? A Howard Doungon.

Q How old are you? A Thirty-six.

Q What's your postoffice address? A Satartia, Mississippi.

Q What County? A Yazoo County.

Q Are you the Howard Doungon who appeared before the Commission here at Meridian on the 15th day of last February and made application for the identification of yourself and minor children as Mississippi Choctaws? A Yes sir.

Examination by Mr. A.W. Jones:

Q Your marriage certificate shows Howard Cannon, state why your certificate shows that name and you gave your name as Howard Doungon? A How I come to go by Cannon, old man Bill Cannon used to own my mother and when I come to know my own self-I was very young when she died-when I come to know our name of course I went by Cannon and my father then told me that his name was Doungon and when I went to get license I just gave in my mother's name, Cannon. Old man Cannon used to own my mother.

Q What we want to get at now-are you the same person whose name appears in the testimony given on the 15th of February and on the marriage certificate you sent to Muskogee? A Yes sir.

Q Either one of those names refer to you? A Yes sir.

Q You are the same person? A Yes sir.

-----

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, April 14th, 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 21st day of April, 1902, at Meridian, Mississippi.

*L. B. Massey*  
Clerk U. S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]*

Deputy.



C.W.W.  
C.W.W.

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

-----|-----

In the matter of the application of Howard Doungan,  
et al., for identification as Mississippi Choctaws, consolidating  
the applications of

Howard Doungan, et al.....M.C.R. 4811  
Ella Tacker, et al.....M.C.R. 4810  
Nicie Doungan, et al.....M.C.R. 4809.

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

It appears from the record herein that applications  
for identification as Mississippi Choctaws were made to this Commis-  
sion by Howard Doungan for himself and his four minor children, Ade-  
line, Howard Jr., Bennett and John Doungan; by Ella Tacker for her-  
self and her three minor children, Freddie, Berta and Marguerite  
Tacker, and by Nicie Doungan for herself and her two minor children,  
Lartena Thomas and Frederick Thomas, under the following provision of  
the act of Congress approved June 23, 1908, (35 Stats., 321):

(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 Albert Doungen, 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 none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Albert Doungen, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward,

(3).

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., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Howard Doungon, Adeline Doungon, Howard Doungon Jr., Bennett Doungon, John Doungon, Ella Tucker, Freddie Tucker, Berta Tucker, Marguerite Tucker, Niece Doungon, Lartena Thomas and Frederick Thomas as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

Commissioner.

Muskegee, Indian Territory,

AUG 7 1902

  
Commissioner.

Muskogee, Indian Territory, August 7, 1902.

S. Afeadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Howard Doungon, et al., embracing the following applications for identification as Mississippi Choctaws:

Howard Doungon, et al.,	M C R 4811
Ella Tucker, et al.,	M C R 4810
Nicie Doungon, et al.,	M C R 4809

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

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

Said decision concludes as follows:

S A B-2.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Howard Dounon, Adeline Dounon, Howard Dounon Jr., Bennett Dounon, John Dounon, Ella Tucker, Freddie Tucker, Berta Tucker, Marguerite Tucker, Nicie Dounon, Lartena Thomas and Frederick Thomas as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the 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 4811

Muskogee, Indian Territory, August 7, 1902.

Howard Doungon,  
Satartia, Mississippi.

Dear Sir:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Howard Doungon, et al., embracing the following applications for identification as Mississippi Choctaws:

Howard Doungon, et al.,	M C R 4811
Ella Tucker, et al.,	M C R 4810
Nicie Doungon, et al.,	M C R 4809

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:

1

F D-2.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Howard Doungon, Adeline Doungon, Howard Doungan Jr., Bennett Doungon, John Doungon, Ella Tucker, Freddie Tucker, Berta Tucker, Marguerite Tucker, Niele Doungon, Lartena Thomas and Frederick Thomas as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

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

Yours truly,

SECRET

*James D. ...*

Acting Chairman.

Registered.

Muskogee, Indian Territory, August 7, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Howard Doungon, et al., embracing the following applications for identification as Mississippi Choctaws:

Howard Doungon, et al.,	M C R 4811
Ella Tucker, et al.,	M C R 4810
Nicie Doungon, et al.,	M C R 4809

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:



**M Mon & C-2.**

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Howard Doungon, Adeline Doungon, Howard Doungon Jr., Bennett Doungon, John Doungon, Ella Tucker, Freddie Tucker, Berta Tucker, Marguerite Tucker, Niece Doungon, Lartena Thomas and Frederick Thomas as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the 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]*

*[Signature]*  
Acting Chairman.

M C R 4811.

Muskogee, Indian Territory, August, 7, 1902/

A. W. Jones, Agent.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Howard Doungon, et al., embracing the following applications for identification as Mississippi Choctaws:

Howard Doungon, et al.,	M C R 4811
Ella Tucker, et al.,	M C R 4810
Nicie Doungon, et al.,	M C R 4809

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:

A W J-2.

"It is, therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Howard Doungon, Adeline Doungon, Howard Doungon Jr., Bennett Doungon, John Doungon, Ella Tucker, Freddie Tucker, Berta Tucker, Marguerite Tucker, Niece Doungon, Lartena Thomas and Frederick Thomas as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the 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 Dickey,  
Acting Chairman.

Registered.

M C R 4811.

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 Howard Doungon, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 7, 1902.

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

Howard Doungon, et al.,	M C R 4811
Ella Tucker, et al.,	M C R 4810
Nicie Doungon, et al.,	M C R 4809

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

Respectfully,

Acting Chairman.

Through the Commissioner  
of Indian Affairs.  
1 enclosure.

M.C.R. 4808  
" 4810  
" 4811

Muskogee, Indian Territory, September 2, 1902.

Ella Tucker,

Yazoo City, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 27th ult., relative to the decision of the Commission refusing the applications for identification as Mississippi Choctaws of yourself, Howard Doughton and Niece Doughton.

You ask to be advised wherein the evidence introduced by you was insufficient, and also whether your attorney, A.W. Jones, filed affidavits in your case.

In reply, you are informed that the evidence submitted in these cases is the oral statements of the several applicants and the affidavit of Wiley Claborn.

Relative to the insufficiency of your evidence, the authority vested in this Commission to determine the identity of Mississippi Choctaws is contained in the 21st section of the act of Congress approved June 28, 1902, and is as follows:

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

The fourteenth article of the treaty of 1830, referred to in the above legislation, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion 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 Indians who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by

173

either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1843.

The several applicants in these cases have failed entirely to submit any evidence tending to show any act of compliance on the part of their ancestors with any of the provisions of the fourteenth article of the Ghoctaw treaty of 1830. The Commission on August 7, 1902, rendered its decision refusing their applications and on the same date notified them of such decision and of the forwarding of the record to the Secretary of the Interior for review.

They will be duly notified of any action taken by him.

Yours truly,

Acting Chairman.

C O P Y

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Land  
47,484-1902

Washington, Jan. 14, 1903

The Honorable,

The Secretary of the Interior

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the consolidated application of Howard Dounon, et al., Ella Tucker, et al., and Nicie Dounon et al., for identification as Mississippi Choctaws.

On August 7, 1902, the commission decided that the evidence submitted by the applicants was insufficient to identify them as Mississippi Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830.

An examination of the record evidence shows that the applicants are not of the full blood and further shows that they are the descendants of Albert Dounon or Dungen and through him of their grandfather, whose name was Albert Dounon and through whom they claim.

The office records have been examined and nowhere show that any person by the name of Albert Dounon ever complied with the



provisions of the 14th article of said treaty or received a patent for land thereunder.

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

Very respectfully,

W. A. Jones

Commissioner

(W.C.B)

P.

C O P Y

D.C. 3598

DEPARTMENT OF THE INTERIOR

WASHINGTON

RAF.

I.T.D. #84-1903

L.R.S.

February 2, 1903

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 as Mississippi Choctaws of Howard Doungon and his minor children, Adeline, Howard Jr., Bennett and John Doungon; of Ella Tucker and her minor children, Freddie, Berta and Marguerite Tucker; and of Nicié Doungon and her minor children, Lartena Thomas and Frederick Thomas.

The applicants endeavor to trace their descent from one Albert Doungon who is alleged to have been a half blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Albert Doungon complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat. 180) and August 23, 1842 (5 Stat. 513). You refused the application August 7, 1902.

Forwarding the papers January 14, 1903, the Commissioner

-2-

of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has carefully reviewed the whole record, and hereby affirms your decision.

Respectfully,

Thos Ryan

Acting Secretary

1 inclosure.

COPY

Muskogee, Indian Territory, February 14, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 2nd 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 Howard Doungon, et al., of which decision you were advised by mail on the 7th day of August, 1903.

Respectfully,

*Tam*  
Acting Chairman.

COPY.

Muskogee, Indian Territory, February 14, 1903.

S. A. Beadle,

Attorney at law,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 2nd 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 Howard Doungon, et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

*Tamc Dinky*

Acting Chairman.

M.C.P. 4811

Muskogee, Indian Territory, February 14, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 2nd 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 Howard Doungon, et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

*Tame Pickens*  
acting Chairman.

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

ALLISON L. AYLESWORTH  
SECRETARY

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

M.C.R. 4811


Muskogee, Indian Territory, February 14, 1903.

Howard Doungon,  
Satartia, Mississippi.

Dear Sir:

You are hereby notified that on the 3rd 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 Howard Doungon, et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,



Acting Chairman.

Consolidated Case  
of

Howard Doughton et al



mar.  
4811

Howard Doughton 37-1/4  
wife  
Mary Doughton

mar.  
4811

Adaline Doughton 7  
" Howard " jr. 4  
Bennett " 2  
John " 10m

mar.  
4812

Ella Doughton 26-1/4  
mar

mar.  
4811

Freddie Tucker 5  
Berta " 3  
Marguerite " 1

\* Albert Doughton fl.

Albert Doughton 5  
dead

Harrison Tucker

wife

(1) Susannah Doughton  
dead

mar.  
4809

Nicie Doughton 24-1/4

mar.  
4809

Lartena Thomas 6  
" Frederick " 1

(2) Eliza Doughton  
dead

\* illegitimate: father is Charley Thomas

Mary Doughton  
mar  
Jones

Callie Doughton  
mar  
Charley Hammonds

Mary Hammonds  
Charity "

2

Major Doughton

Shed Doughton

Albert Doughton Albert Doughton.  
wife

① Susanne Doughton  
-d-

② Eliza Doughton  
-d-

William Doughton  
dead

Milton Doughton

— / — fl.  
man  
Charlotte-  
negro

No.

# For Identification as a Mississippi Choctaw.

Admitted Date *Nov 14 1902*  
 Name *Howard Doungon*  
*M.C. R. 4811.*  
 Age \_\_\_\_\_ Blood \_\_\_\_\_

Post Office,

Father:

Mother:

Claims through

*at Meridian, Miss*

*Additional testimony*  
*of Howard*  
*Doungon taken*  
*at Meridian, Miss*

Children:

Stenographer

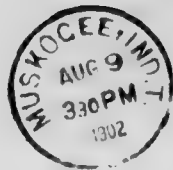
*J. A. Niles*

DEC 15 1907

CHAIRMAN



*Ret. money  
Uncollected  
No such party here  
12/11/02*



Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

*Commissioner of the Five Civilized Tribes  
Muskogee, Ind. Ter.*

No. 771

For Identification as a Mississippi Choctaw.  
Meridian Miss.

Date FEB 15 1902

Name Howard Dounqon

Age 37 Blood 1/4

Post Office, Sataulia, Miss.

Father: Albert Dounqon &

Mother: Dusanmah " d

Claims through father  
wife Mary Dounqon S  
no claim for wife.

Claims for self and 4 children

Children:

Adeline Dounqon	(F) 7
Howard " Jr	4
Bennett " "	(F) 2
John " "	10 mo.

Father's mother's blood in name of...

Stenographer

J. S. Niles

4811

File

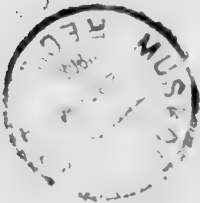


DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE PUBLIC UTILIZED TRIBES.

**FILED**

APR 7 1903

CHAIRMAN



2003



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

~~Howard Doughton,~~

~~Sartoria, Mississippi.~~



Choctaw MCR 4812

Dock Taylor

MCR 4812

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

In the matter of the application of Dock Taylor, et al., for identification as Mississippi Choctaws, M.C.R. 4812.

List of papers forwarded to the Secretary of the Interior comprising the record in the case of Dock Taylor, et al., M.C.R. 4812.

	(Page)
Original application of Dock Taylor, et al., before the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the application of Dock Taylor, et al., for identification as Mississippi Choctaws-----	7

487

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 15, 1902.

In the matter of the application of Dock Taylor for the identification of himself and two minor children, Virgil and Ada as Mississippi Choctaws.

Appearances:

S.A. Beadle, Attorney for Applicant.  
A.W. Jones, Agent for Applicant.

Dock Taylor, having been first duly sworn upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Dock Taylor.
- Q How old are you? A About thirty years old.
- Q How much Choctaw blood have you? A My father was Indian.
- Q How much did he have? A I don't know, sir, my witnesses didn't come with me.
- Q What's your post office address? A Yazoo City, Mississippi.
- Q How long have you lived in Yazoo County? A All my life nearly.
- Q Where did you live besides that? A Before I come to Yazoo County?
- Q Yes? A I come there a small chap.
- Q Where were you born? A Madison County.
- Q You have lived in this State all your life? A Yes, sir.
- Q Is your father living? A No, sir, he's dead.
- Q What was his name? A My witness said he was named John Taylor. I never did see him.
- Q Where are they? A I was down - they wasn't all able to come.
- Q Where do they live? A At Yazoo City.
- Q Is your mother living? A No, sir.
- Q What was her name? A I don't know what her name is; she died when I was small.
- Q Did she have any Choctaw blood? A Not as I knows of.
- Q You claim through your father, then? A Yes, sir.
- Q Did you ever see him? A No, sir, I didn't see him.
- Q You don't know who he was as a matter of fact? He died when I was small, and I go by what the witnesses say.
- Q What are the names of these witnesses? A Aaron Smith.
- Q What's the other one? A George Martin.
- Q White men? A Colored people.
- Q How old would your father be if he were living now? A I don't know, sir.
- Q Where was he born? A I don't know, sir.
- Q Where did he live? A I don't know that, either.
- Q Do you know the name of any one of his ancestors? A No, sir, I do not.
- Q Have you any idea how much Choctaw blood he had? A No, sir, I do not.

Dock Taylor, et al., 2.

- Q Don't know that he had any, do you? A No more than what --  
Q You don't know that he had any? A No, sir.  
Q Are you married? A Yes, sir.  
Q Wife living? A Yes, sir.  
Q What's her name? A Mag Taylor.  
Q Has she any Choctaw blood? A No, sir.  
Q You make no claim for her, then? A No, sir.  
Q How many children have you living? A Two.  
Q What are their names? A Virgil.  
Q Virgil a boy? A Yes, sir.  
Q How old? A He is seventeen years old.  
Q What's the name of the next one? A Ada, she's nine years old.  
Q Are they both the children of yourself and Mag Taylor? A Yes, sir.  
Q Were you married to Mag under a license? A Yes, sir.  
Q Where? A I married in Holmes County.  
Q Who married you? A Preacher by the name of Elder Long.  
Q Have you your license with you now? A No, sir, I have not. I got it from Lexington, Mississippi.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Mag Taylor, for use in connection with the application which you make in behalf of your minor children. This evidence should be furnished within six thirty days from this date, if possible.

- Q Now, you claim to have a son named Virgil, who is seventeen years old, and yet you say you are only thirty; that's hardly possible, could you be more than thirty do you think? A Yes, sir, I think I might be; I didn't have any one to keep up with my age.  
Q Were you born before or after the surrender? A I guess I was born before, is my idea about it; I couldn't say.  
Q Do you know how long before? A No, sir, I do not.  
Q Were you born before the war begun or after? A Afterwards.  
Q While the war was going on? A Yes, sir.  
Q This application is for yourself and two minor children? A Yes, sir.  
Q They are both living with you at this time, I believe you stated? A Yes, sir.  
Q Is your name, or the name of either one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory?  
A I do not know.  
Q Has any application of any description ever been made before today for you or either of these children for the purpose of establishing your rights as Choctaw Indians? A I do not know.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.  
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir, I do not.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between

Dock Taylor, et al., 3.

the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. That 14th article is as follows:

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

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek, do you understand that 14th article now? A Yes, sir.

Q Did any of your ancestors, ever comply or attempt to comply with the provisions of that article or ever receive any benefits under that article? A Not as I know of.

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

Q Did any of them, in fact, live here at that time? A Not as I know of.

QQ Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1835 and 1838? A No, sir, not that I know of.

Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land?

Dock Taylor, et al., 4.

A No, sir, not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under this 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of them ever get any land under any other article of that treaty, or under the supplement to that treaty? A Not that I know of.

Q Did any of your people ever get any land here in Mississippi from the Government to your knowledge? A No, sir.

Q Or any money? A No, sir, not to my knowing.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land, under that 14th article. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi, and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1833 and 1845, and heard a great many of these Choctaw cases.

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

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with 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 in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect.

Dock Taylor, et al., 5.

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

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I do not.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir, I do not.

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

Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before the Commission at any one of its appointments here in Mississippi this winter or spring, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

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

By S.A.Beadle:

Q You said a while ago that you were thirty years of age, do you really know how old you are? A No, sir, I just guessed at it.

By Commission:

Have you any brothers or sisters living? A Got a sister living.

Q Was her father the same man as your father? A Yes, sir, so she said; she raised me; I couldn't tell anything about that.

Q What's her name? A Louvinia James.

Q Has she been before the Commission? A No, sir.

Q Where does she live? A She lives in Yazoo City.

Q Did you ever have any other brothers or sisters? A No, sir, I did not.

Q Did you ever know any of your father's brothers or sisters?

A No, sir, I do not.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood largely predominates. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above enti-

Dock Taylor, et al., 6.

tled cause on the 15th day of February, 1902, at Meridian, Mississippi and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Street*

Subscribed and sworn to before me at Seale, Mississippi, this 14th day of March, 1902.

*L. B. Mosely,*

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

By *J. M. ...*

Deputy.



Off  
C. W. S.

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

In the matter of the application of Doek Taylor, et al., for identification as Mississippi Choctaws, M.C.R. 4612.

--- 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 Doek Taylor for himself and his two minor children, Virgil and Ada Taylor, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of John Taylor 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 none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Taylor, 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 Dock Taylor, Virgil Taylor and Ada Taylor as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James Bixby.  
Loving Chairman.

T. B. Needles  
Commissioner.

C. R. Brockinridge.  
Commissioner.

Muskogee, Indian Territory,

OCT 29 1907 .

MER 5291, 5268,  
4820, 4821, 4822,  
4812, 5287, 5256.

Muskogee, Indian Territory, September 13, 1902.

L. T. Miller,  
Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you ask to be advised of the present status of the following Mississippi Choctaw cases:

Consolidated case  
Harriet Washington et al., M C R 5291

Consolidated case  
Tom Wells et al., M C R 5268

Fannie D. Cessor et al., M C R 4820  
Daisy McGhee et al., M C R 4821  
Sophia Harrington et al., M C R 4822  
Dock Taylor, M C R 4812

Consolidated case  
Bettie Martin et al., M C R 5287

Consolidated case  
Adline Morrison et al., M C R 5256

Consolidated case  
Savery Morrison et al., M C R 5246.

You are hereby advised that in the consolidated case of Tom Wells et al., the Commission, on September 2, 1902, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in this consolidated

L. T. M.--2.

case, and on the same date notified the several applicants therein of such decision and of the forwarding of the record to the Secretary of the Interior for review.

In the other cases the Commission has not up to this time rendered any decision or opinion relative to the right of the several applicants therein to be identified as Mississippi Choctaws but the Commission is now considering the several cases and it is probable that a decision will be rendered in the near future. Upon the rendition of such decision 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.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory October 29, 1902.

Dock Taylor,  
Nash City, Mississippi.

Dear Sir:-

You are hereby advised that on the 24th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Dock Taylor, 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 Dock Taylor, Virgil Taylor and Ada Taylor as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

D T -2

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

Respectfully,

*Tamc Dixou.*

Acting Chairman.

Registered.

Muskogee, Indian Territory October 29, 1902.

C. A. Beadle,  
Attorney at Law.

Jackson, Mississippi.

Dear Sir:-

You are hereby advised that on the 23th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Dock Taylor, et al., applicants for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

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

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof



S A B -2

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

Respectfully,

*Thomas C. ...*  
Acting Chairman.

Registered.

REV.  
Muskogee, Indian Territory October 23, 1902.

A. W. Jones, Agent

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 20th day of October 1902, the Commission to the five Civilized Tribes rendered a decision in the case of Dock Taylor, et al., applicants for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

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

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the

A W J -2

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

Respectfully

*James D. ...*  
Acting Chairman.

Registered.

Muskogee, Indian Territory October 29, 1902.

Mes rs. 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 October 1902, the Commission to the Five Civilized Tribes rendered a decision in the Case of Dock Taylor, et al., applicants for identification as Mississippian Choctaws.

This application was made under the provision of the act of Congress of June 20, 1902 (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 Dock Taylor, Virgil Taylor and Ada Taylor as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the

H. D. & C. - 2

excitation 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,

WRIGHT

*James Wright*  
Acting Chairman.

Muskogee, Indian Territory, November 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

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

The Commission has the honor to report that the principal applicant in this case, his agent and attorney of record and the attorneys for the Choctaw and Chickasaw Nations, have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the  
Commissioner of Indian Affairs.

Enc. H.C.R. 4813.

Land  
68830-1902.

COPY  
DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, February 19, 1903.

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 matter of the application of Dock Taylor, for the identification of himself and his two minor children, Virgil and Ada Taylor, as Mississippi Choctaws.

On October 29, 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 the 14th article of the treaty of 1830.

An examination of the record evidence shows that these applicants claim to have derived their Choctaw blood from one John Taylor, who is alleged to have been a Choctaw Indian; and that whatever rights they may have in the lands of the Choctaw Nation is by reason of their being his descendants. Neither the record evidence nor an examination of the office records shows that any person by the name of John Taylor ever complied or attempted to comply with

-2-

the provisions of the 14th article of the Choctaw treaty of 1830 in any manner whatever, or secured a patent for land thereunder. The record evidence does show that none of these applicants are Choctaw Indians 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. Tonner,

Acting Commissioner

W.C.B. (E.)



D.C.-8300 1903.  
I.T.D.2154-1903.  
LRS

COPY  
DEPARTMENT OF THE INTERIOR.  
WASHINGTON,

WHR  
March 21, 1903.

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

Gentlemen:

November 14, 1902, you transmitted the record in the matter of the application of Dock Taylor, for the identification of himself and his two minor children, Virgil and Ada Taylor (M.C.R. 4812), as Mississippi Choctaws, including your decision of October 29, 1902, refusing to identify them as such.

The principal applicant, Dock Taylor, is the son of one John Taylor, who he alleges was a Choctaw Indian, degree of blood not known. From the testimony it appears that applicant has no knowledge whatever of his parents, not even as to their names, owing to their death when he was quite young. His knowledge as to the name of his father, according to his testimony, was obtained through his "witness."

From an examination of the records it does not appear that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said John Taylor, or a less remote ancestor, complied or attempted to comply with the provisions of the fourteenth article of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

The Acting Commissioner of Indian Affairs reporting in the

matter February 19, 1903, stated:

.....Neither the record evidence nor an examination of the office records shows that any person by the name of John Taylor ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1850 in any manner whatever, or secured a patent for land thereunder. The record evidence does show that none of these applicants are Choctaw Indians 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.

The Department concurs in the recommendation of the Acting Commissioner, a copy of whose report is inclosed, and accordingly hereby affirms your decision.

Respectfully,

(Signed) Thos Ryan

1 inclosure.

Acting Secretary.

M.C.R. 4812

Muskogee, Indian Territory, March 30, 1903.

Dock Taylor, *Re-mailed July 3-03 to same address.*  
Yazoo City, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Dock Taylor, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

*James Kirby.*  
Chairman.

COPY.

M.C.R. 4812

Muskogee, Indian Territory, March 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

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

Respectfully,

(SIGNED)

*James D. ...*

Chairman.

507.  
M.C.R. 4812

Muskogee, Indian Territory, March 30, 1903.

A. W. Jones,  
Agent,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Dock Taylor, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

*Tame*

Chairman.

**Muskogee, Indian Territory, March 30, 1903.**

S. A. Beadle,  
Attorney-at-Law,  
Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Dock Taylor, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

*James Dixby.*  
Chairman.

M C R 4612

Muskogee, Indian Territory, July 3, 1903.

Dock Taylor,  
Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 31, 1903, by reference from the Secretary of the Interior, relative to the decision of the Commission refusing your application for identification as a Mississippi Choctaw. You state that you think you have a right in the Territory.

In reply you are informed that it appears from our records that on March 21, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application, of which departmental action you were duly notified on March 30, 1903, at Yazoo City, Mississippi, and said letter was returned to this office marked "unclaimed." The same is this day remailed you. The Commission now considers your case closed.

Respectfully,

Commissioner in Charge.

M C R 4812

Muskogee, Indian Territory, August 3, 1903.

Dock Taylor,  
Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultimo, in which you ask if you can get a claim in Indian Territory.

In reply you are informed that it appears from our records that on March 21, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were duly advised on March 30, 1903.

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

Respectfully,

Commissioner in Charge.



#182.3

No. 172

For Identification as a Mississippi Choctaw.  
Meridian Miss

Date FEB 15 1902

Name Dock Taylor

Age 30 Blood dont know

Post Office, Yazoo City Miss.

Father: John Taylor d

Mother: dont know d

Claims through father.

wife Mag Taylor L  
(No claim for wife)

Claims for self and 2 children

Children:

Virgil Taylor (M) 17  
Ada " 9

Stenographer

R. J. Strick

Choctaw MCR 4813

Amanda Newman

See MCR 4814

MCR 4813

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

-----

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

Amanda Newman, et al.,      M. C. R. 4813  
Anna Ford, et al.,            M. C. R. 4814

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

	Page.
Original application of Amanda Newman, et al., to the Dawes Commission for identification as Mississippi Choctaws ....	1
Original application of Anna Ford, et al., to the Dawes Commission for identification as Mississippi Choctaws .....	6
Decision of the Commission refusing the consolidated application of Amanda Newman, et al., for identification as Mississippi Choctaws .....	9

483  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 15, 1902.

In the matter of the application of Amanda Newman for the identification of herself and niece, Annie Belle Smith, as Mississippi Choctaws.

Amanda Newman, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Amanda Newman.  
Q How old are you? A Will be forty two the ninth of March.  
Q How much Choctaw blood have you? A My father's mother was an Indian squaw.  
Q That makes you a quarter, then? A Yes, sir.  
Q What's your post office address? A Jackson, Mississippi.  
Q How long have you lived in Hinds County? A All my life.  
Q Is your father living? A No, sir, he's dead.  
Q What was his name? A John Smith.  
Q Your mother living? A No, sir, she's dead.  
Q What was her name? A Penine Smith.  
Q She had no Choctaw blood? A None but the black Creek Indian was her father.  
Q No Choctaw blood? A No, sir, not a bit.  
Q How long has your father been dead? A I couldn't specify the day, because he died when we were young.  
Q About how long? A About fourteen years ago.  
Q Well, how old a man was he when he died? A I couldn't tell you.  
Q Have you any idea? A No, sir, I know my mother's age.  
Q Was he older than you are now when he died? A Yes, sir, I guess he was; I remember but a very little of his life.  
Q Was he a slave? A No, sir.  
Q Did he speak the Choctaw language? A He could.  
Q Where was he born? A In Mississippi.  
Q What county? A Right down here in Jackson, Mississippi.  
Q Lived in this State all his life? A All his life.  
Q What was his mother's name? A Harriet Smith, Indian squaw.  
Q You claim she was a full blood Choctaw? A Yes, sir, he said so.  
Q Was she a slave, Harriet? A No, sir.  
Q Where did she live? A That's my grand mother?  
Q Where did she live? A Right down here in Mississippi with him; right out from Jackson, Mississippi is where; we were born and raised there.  
Q Was she born and raised there? A Not as I knows of. I don't know. Never seen her in my life.  
Q Were your father and mother married? A I don't know, sir; I couldn't tell you that. I don't know whether they were married at that time or not.  
Q How long did they live together? A Beth died together.

Amanda Newman, et al., 2.

- I don't know how long they lived together.
- Q How many children did they have? A Seven.
- Q Are you married? A Yes, sir.
- Q Is your husband living? A Yes, sir.
- Q What's his name? A Washington Newman.
- Q Has he any Choctaw blood? A No, sir.
- Q You make no claim for him, then? A No, sir.
- Q Have you any children living? A No, sir, I have a niece living with me for whom I want to make application.
- Q What's her name? A Annie Belle Smith.
- Q How old is she? A She's eleven years old.
- Q How long has she lived with you? A Her father has been dead six years, I think, and she was -- ever since his death.
- Q Do you care for her and support this child the same as you would a child of your own? A Yes, sir, she was given to me by my brother upon his death bed, and she has ever since remained with me with the knowledge and consent of her mother.
- Q Have you ever been legally appointed guardian for this child? A No, sir.
- Q What was the name of this child's father? A Joe Smith.
- Q Your full brother? A Yes, sir.
- Q Is the mother of this child living? A Yes, sir.
- Q What's her name? A Josephine Smith.
- Q She is married again, is she? A Yes, sir.
- Q Josephine what? A Pace.
- Q This child has never lived with its mother since the death of its father? A No, sir.
- Q Was Joe lawfully married to this woman Josephine? A Yes, sir.
- Q How do you know it? A I was at the wedding.
- Q Were they married under a license? A Yes, sir.
- Q Where? A Bought it there at Jackson; they all lived there.
- Q Who married them? A Marion Dunbar.
- Q What official position did he hold? A Baptist minister there at Jackson.
- Q This application, then, is for yourself and one minor niece? A Yes, sir.
- Q Is your name, or the name of that niece to be found upon any of the Choctaw tribal rolls in Indian Territory? A I don't know, sir.
- Q Has any application of any description ever been made before today for your or this child for the purpose of establishing your rights as Choctaw Indians? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and this minor orphan child, under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A That's what I come for.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article or ever received any benefits under it? A No, sir.
- Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir.

Amanda Newman, et al., 3.

Q Did any of them, in ~~it~~, live here in the old Choctaw Nation at that time? A Not as I knows of.

Q Did any of them remove from the old Choctaw Nation in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No, sir, both died here. They lived here and died here. I don't know about my grand Parents.

Q Did any of your Choctaw ancestors, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A I don't know anything about it.

Q Did any of them ever claim or receive any land here in Mississippi, from the Government of the United States, under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

Q Or under any other provision in that treaty? A No, sir.

Q Any of them ever get any land here in Mississippi from the Government of the United States under any treaty provision? A No, sir.

Q Or any money? A No, sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I knows of. Never heard it before.

Amanda Newman, et al., 4.

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

Q Did any of your ancestors ever get any of this scrip from the Government under this Act of Congress? A No, sir.

Q So far as you know, then, none of your ancestors ever received any benefits as Choctaw Indians? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, most all the old people that knew my mother and father, as far as I can remember, are all dead.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses here at this time? A No, sir, I didn't know that we had to get any.

In case you should find any witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before the Commission here in Mississippi this winter or spring, at any of the appointments, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time?

A No, sir.

Q Have you any brothers living? A Yes, sir.

Q How many? A Three of us, I mean sisters.

Q What are the names of your sisters? A Anna Ford and Bettie Jilts.

Q Have you any brothers living? A Just one.

Q What's his name? A Varion Smith.

Q Where does he live? A He lives in Jackson, Mississippi.

Q Has he been before the Commission? A No, sir.

Q Neither of your sisters is here to-day? A Yes, sir, Anna Fords.

Q Have you any brothers or sisters dead who left children, besides Joe Smith? A Yes, sir, my other brother.

Q Did he leave children? A Yes, sir.

Q With whom do these children live? A They have died too,; their mother she is living.

Q What was the name of that brother? A They died; all the brothers is dead but one.

Q What's the name of that one who died and left children? A George Smith.

Amanda Newman, et al., 5.

- Q What's the name of the mother of these children? A Sylvia Smith.  
Q Where does she live? A In Jackson, Mississippi.  
Q How many of the children are there living? A Five.  
Q What are their names? A Anna, Walter,  
Q Next one? A They calls the baby Cooter and William, that's four.  
Q Are any of your father's brothers or sisters living? A No, sir,  
he diedn't have any but one sister and she's dead.  
Q Did she leave children? A No, sir.  
Q You don't speak or understand the Choctaw language? A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood in which the negro blood largely predominates. Her hair is inclined to be straight. She shows no indication of being possessed of Indian blood.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi on the 15th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*  
Subscribed and sworn to before me at Seale, Mississippi,  
this 15th day of March, 1902.

*L. B. Mosley*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi.

By *J. M. ...*

Deputy.



*L. W. W.*  
*©. W. W.*

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

-----

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

Amanda Newman, et al., M.C.R. 4813  
Anna Ford, et al., M.C.R. 4814

DECISION.

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Amanda Newman for herself and her minor niece, Annie Belle Smith, and by Anna Ford for herself and her five minor children, Eugene, Floyd, John, Mandy and Mary Ford, under the following provision of the act of Congress approved June 20, 1898, (30 Stats., 495):

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

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 131).

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 Harriet Smith signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 613).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Newman, Annie Belle Smith, Anna Ford, Eugene Ford, Floyd Ford, John Ford, Mandy Ford and Mary Ford as Choctaw Indians entitled 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.

*W. B. ...*

Acting Chairman.

*I. D. ...*

Commissioner.

*C. E. Brock ...*

Commissioner.

Muskogee, Indian Territory,

OCT 27 1902

M.C.R. 4813

Muskogee, Indian Territory, October 27, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Newman, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda Newman, et al.,                   M.C.R. 4813

Anna Ford, et al.,                        M.C.R. 4814

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 Amanda Newman, Annie Belle Smith, Anna Ford, Eugene Ford, Floyd Ford, John Ford, Mandy Ford and Mary Ford as Choctaw Indians entitled 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.

Muskogee, Indian Territory, October 27, 1902.

Amanda Newman,

Jackson, Mississippi.

Dear Madam:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Newman, et al., embracing the following applications for identification as Mississippi

Choctaws:

Amanda Newman, et al.,  
Anna Ford, et al.,

M.C.R. 4813  
M.C.R. 4814

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 Amanda Newman, Annie Belle Smith, Anna Ford, Eugene Ford, Floyd Ford, John Ford, Mandy Ford and Mary Ford as Choctaw

Amanda Newman 2

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

Respectfully,

Register.

Commissioner in Charge.

COPY:

Muskogee, Indian Territory, November 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Amanda Newman, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 27, 1902.

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

Amanda Newman, et al.,	M C R 4813
Anna Ford, et al.,	M C R 4814

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

*Tame Dixie.*

Acting Chairman.

Through the Commissioner  
of Indian Affairs.  
Enc. M C R 4813.



C O P Y

DEPARTMENT OF THE INTERIOR

Land

OFFICE OF INDIAN AFFAIRS

68,319- 1902

Washington, Feb. 11, 1903

The Honorable

The Secretary of the Interior

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Amanda Newman for herself and her minor niece, Annie Belle Smith, and Anna Ford for herself and her five minor children, Eugene, Floyd, John, Mandy and Mary Ford, wherein a decision adverse to the applicants was rendered by the commission on October 27, 1902.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Harriet Smith, who it is alleged, was a Choctaw Indian and a citizen of the Choctaw Nation, at the time of the making of the Choctaw treaty of 1830.

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

enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Harriet Smith, and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

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

Very respectfully

A. C. Tonner

Acting Commissioner

W.C.B.

P.

C O P Y

D.C. 6142

DEPARTMENT OF THE INTERIOR

EAF.

WASHINGTON

ITD. 1594- 1903

March 2, 1903

L.R.S.

Commission to the Five Civilized Tribes

Muskogee, I.T.

Gentlemen:-

November 12, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Amanda Newman and her minor niece, Annie Belle Smith, and the application of Anna Ford and her minor children, Eugene, Floyd, John, Mandy and Mary Ford. By decision of October 27, 1902, you denied the applications.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Harriet Smith, alleged to have been a full 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 Harriet Smith 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 11, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

-2-

The Department affirms the decision rendered

Respectfully,

(Signed) Thos Ryan

Acting Secretary

1 inclosure

M.C.R. 4813.

COPY.

Muskogee, Indian Territory, March 12, 1903.

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

Gentlemen:

You are hereby notified that on the 2nd day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda Newman, et al., of which decision you were advised by mail on the 27th day of October, 1902.

Respectfully,

*Tamc Dickie.*  
Chairman.

M.C.R. 4813.

00 -

Muskogee, Indian Territory, March 12, 1903.

Amanda Newman,  
Jackson, Mississippi.

Dear Madam:

You are hereby notified that on the 2nd day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda Newman, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

*Tamc D. Dyer*  
Chairman.

Amanda Newman  
1861

- Consolidated  
Case

Amanda Smith 1824  
mar  
Washington Newman

Jac. Smith dead  
wife  
Josephine Smith  
now she wife of  
— Pac.

Annie Kelle Smith

Clara Smith 39 1/2  
mar  
Doney Ford

Eugene Ford 18  
Hayd Ford 16  
John Ford 15  
Maudy Ford 5  
Mary Ford 4

Marion Smith ?

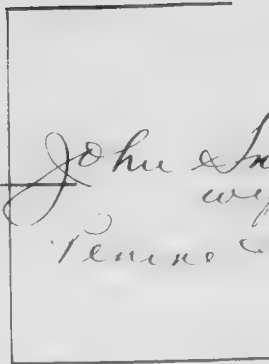
Beccie Smith ?  
mar  
Jelts

Anna Smith  
Walter Smith  
William Smith  
Carol Smith

George Smith dead  
wife  
Lycara Smith

Harriet Smith  
full blood

John Smith, dead  
wife  
Leuno Smith  
sister





#1824

No. 223

For Identification as a Mississippi Choctaw.  
Meridian Miss.

Date Feb 15 1902

Name Amanda Newman

Age 41 Blood 1/4

Post Office, Jackson, Miss.

Father: John Smith (1/2) &

Mother: Penine " &

Claims through father  
husband.

Washington Newman &  
no claim for husband.

Claim in separate case  
ortho: niece

Children:

Annie Bell Smith (1/8) 11  
Joe Smith 14 d  
Josephine Pace. L

father: ... &

Stenographer

R. S. Streit

Choctaw MCR 4814

Anna Ford

See MCR 4813

MCR 4814

4812

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 15, 1902.

In the matter of the application of Anna Ford for the identification of herself and five minor children, Eugene, Floyd, John, Mandy and Mary, as Mississippi Choctaws.

Anna Ford, having been first duly sworn, upon her oath testified as follows:

Examination by the commission.

- Q What is your name? A Anna Ford.
- Q How old are you? A Thirty nine.
- Q How much Choctaw blood have you? A The same as my sister, one quarter.
- Q What's your post office address? A Jackson, Mississippi.
- Q How long have you lived in Jackson? A All my life, about Jackson.
- Q Is your father living? A No, sir.
- Q What was his name? A John Smith.
- Q Mother living? A No, sir.
- Q What was her name? A Penine Smith.
- Q Through which one of your parents do you get your Choctaw blood? A My father.
- Q Did he live in Mississippi all his life? A I don't know, sir; I couldn't tell you that.
- Q How old would he be if he were living now? A I don't know how old he would be. I don't know how old he was when he died.
- Q How much Choctaw blood did he have? A His mother was a whole Injun he said.
- Q What was her name? A Harriet Smith.
- Q Did you ever see her? A No, sir.
- Q You don't know of your own knowledge that she had any Choctaw blood at all? A Just going by what my father said; that's all I can tell you.
- Q Do you know where Harriet lived? A No, sir, I don't know where she lived; in Mississippi somewhere.
- Q Were your father and mother married? A Not that I knows of.
- Q How many children did they have? A They had seven.
- Q Did they live together until one or the other died? A Yes, sir.
- Q Were they slaves? A My mother was. I never heard him say.
- Q Are you married? A Yes, sir.
- Q Husband living? A Yes, sir.
- Q Has he any Choctaw blood? A No, sir.
- Q What's his name? A Toney Ford.
- Q You make no application for him? A No, sir.
- Q Have you any children under twenty one years of age and unmarried for whom you want to make application? A Five.
- Q What are their names and ages? A Eugene.
- Q How old? A He is eighteen.
- Q The next one? A Floyd.
- Q How old? A Sixteen.
- Q Next one? A John.

Anna Ford, et al., 2.

Q How old? A Thirteen.

Q Next one? A Mandy.

Q How old? A Eight years old.

Q Next one? A Mary, five years old.

Q The first two are boys and the last ones girls? A First three boys.

Q Are these children all living with you at this time? A Yes, sir.

Q Are they all the children of yourself and Toney Ford? A Yes, sir. I never was married but once in my life.

Q You claim for yourself and five minor children? A Yes, sir.

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

A No, sir.

Q Was any application of any description ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir, Not that I know of.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits thereunder? A No, sir.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir.

Q Did any of them, in fact, live here at that time? A Not that I knows of.

Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No, sir, not that I knows of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A No, sir, not as I knows of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

Q Did any of them ever get any land here in Mississippi under any other treaty - under any other treaty provision? A No, sir.

Q Did any of them ever get any money from the Government? A No, sir.

Q You heard me explain as to the causes which brought about the certain Acts of Congress between the years 1837 and 1842, did you not, providing for the appointment of commissioners to come down here and hear the claims of Choctaws who claimed that they were entitled to land under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Did any of your ancestors appear before any of these commissioners appointed under these Acts of Congress and attempt to establish their rights as under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

Q Did any of them ever get any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A

Anna Ford, et al., 3.

A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A Not a one.

If you should find any witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before us here in Mississippi at any of our appointments this winter or spring, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time in support of your application? A No, sir, not that I know of.

Q What relation are you to the applicant, Amanda Newman, who just appeared before the Commission? A She is my sister.

Q Your full sister? A Yes, sir.

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

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro largely predominates. She shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 15th day of February, 1902, at Meridian, Mississippi, and that the above and foregoing is a full true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*  
Subscribed and sworn to before me at Seale, Mississippi,  
this 15th day of March, 1902.

*L. B. Mosley*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi

By *J. M. M.*

Deputy.

Muskogee, Indian Territory, October 27, 1902.

Anne Ford,

Jackson, Mississippi.

Dear Madam:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Newman, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda Newman, et al.,	M.C.R. 4813
Anna Ford, et al.,	M.C.R. 4814

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 Amanda Newman, Annie Belle Smith, Anna Ford, Eugene Ford, Floyd Ford, John Ford, Wandy Ford and Mary Ford as Choctaw

Anna Ford 2

Indians entitled 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,

Register.

Commissioner in Charge.

TAMS BINBY  
THOMAS B. NEEDLE  
C. R. BRECKENRIDGE  
W. F. STANLEY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

M.C.R. 4814.

Muskogee, Indian Territory, March 12, 1903.

Anna Ford,  
Jackson, Mississippi.

Dear Madam:

You are hereby notified that on the 2nd day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda Newman, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,



Chairman.



#18265

No. 4014

For Identification as a Mississippi Choctaw.  
Meridian Miss

Date FEB 15 1902

Name Anna Ford

Age 39 Blood 1/4

Post Office, Jackson, Miss

Father: John Smith, 1/2 D

Mother: Penine " 1/2

Claims through father.

husbands, Sorey Ford, L

No claim for husband,

(A. 1) 1 of 4 children

Children:

Eugene Ford	18
Floyd "	16
John "	13
Mandy "	8
Mary "	5

father's mother's ...

Stenographer

R. S. Street

COMMISSION TO THE F...

**FILED**

DEC 17 1902



ACTING CHAIRMAN



REGISTER  
NOV 3 1902  
JAN 1 1903  
MISSISSIPPI

REGISTERED MAIL



21



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

DEC 6 1902  
JACKSON, MISS  
RECEIVED

~~Anna Ford,~~

Jackson, Mississippi.

REGISTERED MAIL

REGISTERED MAIL

4814



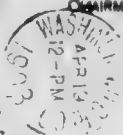
SECRETOR,  
CIVILIZED TRIBES.

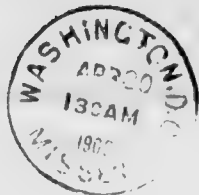
FILED

APR 22 1903

*[Handwritten signature]*

CHAIRMAN.

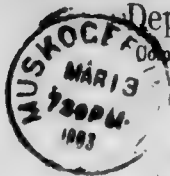




ED,  
WRITER.

~~Anna Ford,~~

~~Jackson, Mississippi.~~



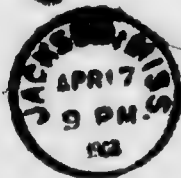
Department of the Interior.

Commission to Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Choctaw MCR 4815

William F. Hunt

See MCR 5574

MCR 4815

4815

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 15th, 1902.

In the matter of the application of William F. Hunt for the identification of himself and one minor child, Floyd E., as Mississippi Choctaws.

Said William F. Hunt, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A William F. Hunt.
- Q How old are you? A About twenty-five.
- Q How much Choctaw blood have you? A I don't know, hardly, how to count it-I reckon I'm one-eighth.
- Q What's your postoffice address? A I reckon its Ivey, Mississippi-I live close to there.
- Q What County? A Prentiss.
- Q How long have you lived in Prentiss County? A I lived there almost all my life except two or three years.
- Q Have you lived here in this State all your life? A Yes sir, almost all-I've been out for a year.
- Q Is your father living? A Yes sir.
- Q What's his name? A Hezekiah B. Hunt.
- Q Is your mother living? A Yes sir.
- Q What's her name? A Elizabeth F. Hunt.
- Q Through which one of your parents do you get your Choctaw blood? A My father.
- Q Is he the Hezekiah B. Hunt who appeared before the Commission today? A Yes sir.
- Q What relation are you to Virginia Jumper who appeared here today? A She's my aunt.
- Q Your father's sister? A Yes sir.
- Q Are you married? A Yes sir.
- Q What's your wife's name? A Mary.
- Q Has she any Choctaw blood? A Not as I know of.
- Q You make no claim for her? A No sir.
- Q Have you any children? A Yes sir, one.
- Q What's the name of that child? A Floyd E.
- Q How old? A He's about fifteen months old.
- Q Is he the child of yourself and Mary Hunt? A Yes sir.
- Q Were you married to Mary under a license? A Yes sir.
- Q Where? A In Prentiss County, Mississippi.
- Q Who married you? A Preacher by the name of Catafee.
- Q Have you that license with you now? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage. This should be furnished within thirty days from this date.

- Q This application is for yourself and one minor child, is that right?
- A Yes sir.
- Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A Not as I know of.

Q Has any application of any description ever been made before today for you or this child for the purpose of establishing your rights as Choctaw Indians? A Not as I know of.

Q Do you appear before the Commission at this time for the purpose of claimir rights in the Choctaw lands in Indian Territory for yourself and minor child under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?

A Not as I ever heard of.

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

Q Did any of them in fact live here at that time? A Well, I've heard that my great-grandmother lived there.

Q Where? A In Alabama.

Q What was her name? A Ellen Sickels, I believe that was her name- I won't be positive.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not as I ever heard of-Not as I know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of them ever claim or receive any land from the Government under any other article of that treaty or under the supplement to it? A No sir, not as I know of.

Q Did any of them ever get any land here in Mississippi to your knowledge from the Government? A No sir.

Q Or any money? A No sir.

Q Did any of them ever receive any benefits whatever as Choctaw Indians, to your knowledge? A No sir.

Q You have heard explained the causes which brought about certain acts of Congress between the years 1837 and 1842 and the provisions of those acts of Congress with reference to hearing all persons claiming rights under article 14 of the treaty of Dancing Rabbit Creek, have you not? A Yes sir.

Q Did any of your ancestors appear before any of these Commissioners appointed under any of these acts of Congress and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of your people ever get an scrip from the Government of the United States under the act of Congress approved August 23, 1842? A If they did I never heard of it.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir, I don't.



William F. Hunt et al--3

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.

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

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any of our appointments here in Mississippi this Winter or Spring or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

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

This applicant has the appearance of being a white man-- shows no indications of being possessed of Indian blood. He has dark hair, rather dark complexion and dark eyes-- does not speak or understand the Choctaw language.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 15th, 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.

*Ira S. Niles*

Subscribed and sworn to before me this the 15th day of March, 1902, at Seale, Mississippi.

*L. B. Mosley*  
Clerk U.S. Circuit Court, Southern District of Mississippi.

By *[Signature]*

Deputy.

Miss. Choc. 4702,  
4815, 4816, 4817,  
4818.

Muskogee, Indian Territory, February 28, 1902.

Samuel H. Hunt,  
Ivey, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 24, 1902, enclosing papers as follows:

Affidavit of Virginia Jumper and Samuel P. Jumper with interrogatories attached thereto to be propounded to Margaret Cooper in the matter of the application of Virginia Jumper and Samuel P. Jumper for identification as Mississippi Choctaws.

The affidavit of Samuel H. Hunt, Virginia Jumper, John W. Jumper, Hezekiah Hunt and William F. Hunt with interrogatories attached thereto to be propounded to John L. Aldridge in the matter of the applications of Samuel H. Hunt, Virginia Jumper, John William Jumper and Hezekiah B. Hunt and William F. Hunt for identification as Mississippi Choctaws.

Affidavit of Virginia Jumper and Samuel P. Jumper together with interrogatories attached thereto to be propounded to John L. Aldridge in the matter of the application of Virginia Jumper and Samuel P. Jumper for identification as Mississippi Choctaws.

The affidavit of Virginia Jumper and Samuel P. Jumper together with interrogatories attached thereto to be propounded to George Michieal and Sim Windham in the matter of the application of Virginia Jumper and Samuel P. Jumper for identification as Mississippi Choctaws.

The affidavit of Virginia Jumper and Samuel P. Jumper together with interrogatories attached thereto to be propounded to Med Jumper in the matter of the application of Virginia Jumper and Samuel P. Jumper for identification as Mississippi Choctaws.

Samuel H. Hunt 2

The affidavit of Samuel H. Hunt, Virginia Jumper, John W. Jumper, Hezekiah B. Hunt and William F. Hunt together with interrogatories attached thereto to be propounded to Margaret Cooper in the matter of the applications of Samuel H. Hunt, Virginia Jumper, John W. Jumper, Hezekiah B. Hunt and William F. Hunt for identification as Mississippi Choctaws.

Affidavit of Hezekiah B. Hunt with interrogatories attached thereto to be propounded to Willis Dollar and Elzett Hawkins in the matter of the application of Hezekiah B. Hunt for identification as Mississippi Choctaws

Certified copy of the marriage record between John W. Jumper and Almada Jumper.

Certified copy of the marriage record between J. W. Jumper and M. E. Colson.

Certified copy of the marriage record between W. F. Hunt and M. L. Caranosa.

Certified copy of the marriage record between S. H. Hunt and S. E. McElroy.

The certified copies of the marriage records enclosed with the exception of the one between S. H. Hunt and Miss S. E. McElroy are in due form and have been filed and made a part of the records in the several applications to which they relate. The one between S. H. Hunt and S. E. McElroy is returned for the reason that it appears from the records in the application of Samuel H. Hunt that the name of the mother of the children for whom he makes application, is Caroline Hunt.

The affidavits and interrogatories thereto attached are herewith returned for the reason that the rules of the Commission regulating and governing the procedure in the taking and submission of depositions in support of applications for identification as

Samuel H. Hunt 3

Mississippi Choctaws, require that the applicant must serve a copy of the interrogatories upon the opposing party or his attorney of record and must make proper proof of such service and this you have failed to do.

For your guidance you are informed that the opposing party in this case is the Choctaw and Chickasaw Nations that their attorneys of record are Messrs Mansfield, McMurray & Cornish, South McAlester, Indian Territory, and that the only method in which proper service can be had on said parties is by sending a copy of the interrogatories to some party residing in South McAlester, and have him make personal service on Messrs Mansfield, McMurray & Cornish in accordance with Rule 13 of the Rules and Regulations above referred to, a copy of which is enclosed you herewith.

Yours truly,

Commissioner in Charge.

Enc Y 136

Muskogee, Indian Territory, January 5, 1903.

William F. Hunt,

Ivey, Mississippi.

Dear Sir:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.C.R. 5574
Samuel H. Hunt, et al.	M.C.R. 4702
William F. Hunt, et al.	M.C.R. 4815
Hozekiah B. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5575
Cassie Bates, et al.	M.C.R. 5576
Minnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James G. Smith	M.C.R. 5579
Nancy Yocom, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5583
William C. Furtick, et al.	M.C.R. 5871
Tandy L. Caver	M.C.R. 5872
Thomas S. Smith, et al.	M.C.R. 5882
John E. Everett, et al.	M.C.R. 5883
Ella Lewis, et al.	M.C.R. 5884
Willie Drewry	M.C.R. 5885
Charles J. Smith	M.C.R. 5886
Mary Jones, et al.	M.C.R. 5898
Will Yocom	M.C.R. 5899
John Yocom	M.C.R. 5900
William W. Furtick	M.C.R. 6069
Jefferson D. Furtick, et al.	M.C.R. 6070

Frank M. Furtick, et al.	H.C.R. 6071
Willie Dearing, et al.	H.C.R. 6072
Eliza Michael, et al.	H.C.R. 6073
William A. Jumper	H.C.R. 6074
George A. Jumper, et al.	H.C.R. 6075
James A. Yates, et al.	H.C.R. 6076
Bill F. Yates, et al.	H.C.R. 6077
Frank Jumper	H.C.R. 5587
George Jumper, et al.	H.C.R. 6236
Roses Jumper	H.C.R. 6237
Bettie Cheves, et al.	H.C.R. 6320
George A. Everett	H.C.R. 6321

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stats., 465), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and 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 Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jossie Hunt, William F. Hunt, Boyd E. Hunt, Hezekiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Mattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin Jumper, William C. Furtick, Clara Furtick,

Sallie Furtick, Pet Furtick, Ruth Furtick, Tandy V. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orza Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Brewry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocum, John Yocum, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Ezra L. Furtick, Eugenia Furtick, Frank H. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lomdie Yates, Mattie Frances Yates, Will F. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Lettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Registered.

Acting Chairman.

REFER IN REPLY TO THE FOLLOWING:

MCR-4818

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

Muskogee, Indian Territory, February 28, 1907.

William F. Hunt,  
Boonville, Mississippi.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,



Commissioner.



#1870

No. 2615

# For Identification as a Mississippi Choctaw.

Meridian Miss., Date FEB 15 1902

Name William J. Hunt

Age 25 Blood 1/8

Post Office, Ivery Miss.

Father: Hezekiah B. Hunt L

Mother: Elizabeth J. " S.

Claims through father.

wife Mary Hunt S.  
no claim for wife.

Claims for wife also listed

Children:

Gayd E. Hunt 15 mo

Stenographer

J. B. Niles.



DEPARTMENT OF  
Commissioner to the U.S.C. 201

FILED

MAR 18 1907

Commissioner.



Department of the Interior.

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



William F. Hunt,

Boonville , Mississippi.

Choctaw MCR 4816

Heze Kiah B. Hunt

See MCR 5574

MCR 4816

4510  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 15th, 1902.

In the matter of the application of Hezekiah B. Hunt for the identification of himself and his four minor children, Josephine, Eliza V., Minnie F., and Eva E., as Mississippi Choctaws.

Said Hezekiah B. Hunt, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Hezekiah B. Hunt.  
Q How old are you? A About forty-six.  
Q How much Choctaw blood have you? A Claim to have about a quarter I reckon.  
Q What's your postoffice address? A Ivey, Mississippi.  
Q In what County do you live? A In Prentiss.  
Q How long have you lived in Prentiss County, Mississippi? A I been living there a long time.  
Q About how long? A I've lived there off and on ever since I was six years old.  
Q Is your father living? A No sir.  
Q What was his name? A Henson Hunt.  
Q Is your mother living? A No sir.  
Q What was her name? A Katie Hunt.  
Q Through which one of your parents do you get your Choctaw blood? A My mother.  
Q How long has she been dead? A I think she's been dead about seven years.  
Q How old was she when she died? A About sixty.  
Q What relation are you to Virginia Jumper who appeared before the Commission today? A She's my sister.  
Q Full sister? A Yes sir.  
Q Through which one of her parents did your mother get her Choctaw blood? A Her mother.  
Q What was her ~~mother's~~ name? A Ellen Sickles, or something of that kind.  
Q Where did she live during her life time? A I couldn't tell you that.  
Q Where was your mother born? A She was born not far, I reckon she was born in Alabama.  
Q What County? A I don't know as I can tell you that-not far from Coosey County. I don't know whether it was there but it wasn't far from there.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q What's her name? A Elizabeth F.  
Q Has she any Choctaw blood? A No sir.  
Q You make no claim for her? A No sir.  
Q How many children have you living who are under age for whom you want to make application? A Four.  
Q What are the names of these children-the oldest first? A Josephine.  
Q How old is she? A About nineteen.  
Q Next one? A Eliza V.  
Q How old? A She's about seventeen.

- Q Next one? A Minnie F.  
Q How old? A About thirteen.  
Q Next one? A Eva E., going on five years old.  
Q Are these four children living with you at this time? A Yes sir.  
Q Are they all the children of yourself and Elizabeth F. Hunt?  
A Yes sir and I have some that are of age.  
Q This application, then, is for yourself and four minor children, is that right? A Yes sir.  
Q Were you married to Eliza under a license? A Yes sir.  
Q Where? A Married in Tennessee.  
Q Who married you? A A preacher by the name of Jones.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Elizabeth for use in connection with the application you make in behalf of your four minor children. This evidence should be furnished within thirty days from this date if possible.

- Q Is your name or the name of any one of these children on any of the Choctaw Tribal rolls in Indian Territory? A I don't know.  
Q Has any application of any description ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and four minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand the 14th article? A Yes sir.  
Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A Not that I know of.  
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not that I know of.  
Q Did any of them, in fact, live here at that time, 71 years ago?  
A I don't know.  
Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.  
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know.  
Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.  
Q Did any of them ever get any land from the Government under any provision of that treaty? A No, I guess not.  
Q Did any of them ever get any money from the Government? A No.  
Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No.

Hezekiah B. Hunt et al---3

- Q You have heard the explanation as to the causes which brought about certain acts of Congress between 1837 and 1842 and their provisions? A Yes sir.
- Q Did any of your ancestors appear before any of these Commissioners appointed under these acts of Congress and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q Did any of your ancestors ever get any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A No.
- Q Do you know any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A Yes, I reckon Mr. John Aldredge.
- Q He is the same man referred to by your sister, is he? A Yes sir.
- Q You don't know of any others? A Not unless-I think may be Miss Cooper would know but I don't know for certain.
- Q Where does she live? A She lives in Prentiss.
- Q Is her postoffice Ivey? A Yes, I reckon.
- Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under the 14th article? A No.
- Q Have you any written evidence to offer at this time? A No sir.
- Q Have you any witnesses here? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us at any of our appointments here in Mississippi this Winter or Spring or within a reasonable time at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time in support of your application? A No.
- Q Have you any children living who are over age or married? A Three.
- Q Is that all? A Yes sir.
- Q What are their names? A William Franklin-he's here today.
- Q Next one? A Annie Brooks.
- Q Married? A Yes sir.
- Q Next one? A Louisa F. Brooks.
- Q You have named all of your children who are over age or married? A Yes sir.
- Q Have you a brother by the name of Samuel H. Hunt? A Yes sir.
- Q Has he been before the Commission? A Yes sir.

This applicant has the appearance of being a white man- shows no indications of being possessed of Indian blood. He does not speak or understand the Choctaw language.

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

Hezekiah B. Hunt et al--4

to the Commission to the five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 15th, 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.

*L. B. Mosley*

Subscribed and sworn to before me this the 14th day of March, 1902,  
at Seale, Mississippi.

*L. B. Mosley,*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]*

Deputy.



Miss. Choc. 4702,  
4815, 4816, 4817,  
4818.

Muskogee, Indian Territory, February 28, 1902.

Samuel H. Hunt,

Ivey, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 24, 1902, enclosing papers as follows:

Affidavit of Virginia Jumper and Samuel P. Jumper with interrogatories attached thereto to be propounded to Margaret Cooper in the matter of the application of Virginia Jumper and Samuel P. Jumper for identification as Mississippi Choctaws.

The affidavit of Samuel H. Hunt, Virginia Jumper, John W. Jumper, Heskiah Hunt and William F. Hunt with interrogatories attached thereto to be propounded to John L. Aldridge in the matter of the applications of Samuel H. Hunt, Virginia Jumper, John William Jumper and Heskiah B. Hunt and William F. Hunt for identification as Mississippi Choctaws.

Affidavit of Virginia Jumper and Samuel P. Jumper together with interrogatories attached thereto to be propounded to John L. Aldridge in the matter of the application of Virginia Jumper and Samuel P. Jumper for identification as Mississippi Choctaws.

The affidavit of Virginia Jumper and Samuel P. Jumper together with interrogatories attached thereto to be propounded to George Michael and Sam Windham in the matter of the application of Virginia Jumper and Samuel P. Jumper for identification as Mississippi Choctaws.

The affidavit of Virginia Jumper and Samuel P. Jumper together with interrogatories attached thereto to be propounded to Ned Jumper in the matter of the application of Virginia Jumper and Samuel P. Jumper for identification as Mississippi Choctaws.

Samuel H. Hunt 2

The affidavit of Samuel H. Hunt, Virginia Jumper, John W. Jumper, Hezekiah B. Hunt and William P. Hunt together with interrogatories attached thereto to be propounded to Margaret Cooper in the matter of the applications of Samuel H. Hunt, Virginia Jumper, John W. Jumper, Hezekiah B. Hunt and William P. Hunt for identification as Mississippi Choctaws.

Affidavit of Hezekiah B. Hunt with interrogatories attached thereto to be propounded to Willis Dollar and Albert Hawkins in the matter of the application of Hezekiah B. Hunt for identification as Mississippi Choctaws

Certified copy of the marriage record between John W. Jumper and Almada Jumper.

Certified copy of the marriage record between J. W. Jumper and M. S. Colson.

Certified copy of the marriage record between W. P. Hunt and M. L. Caveness.

Certified copy of the marriage record between S. H. Hunt and S. E. McElroy.

The certified copies of the marriage records enclosed with the exception of the one between S. H. Hunt and Miss S. E. McElroy are in due form and have been filed and made a part of the records in the several applications to which they relate. The one between S. H. Hunt and S. E. McElroy is returned for the reason that it appears from the records in the application of Samuel H. Hunt that the name of the mother of the children for whom he makes application, is Caroline Hunt.

The affidavits and interrogatories thereto attached are herewith returned for the reason that the rules of the Commission regulating and governing the procedure in the taking and submission of depositions in support of applications for identification as

Samuel H. Hunt 3

Mississippi Choctaws, require that the applicant must serve a copy of the interrogatories upon the opposing party or his attorney of record and must make proper proof of such service and this you have failed to do.

For your guidance you are informed that the opposing party in this case is the Choctaw and Chickasaw Nations that their attorneys of record are Messrs Mansfield, McMurray & Cornish, South McAlester, Indian Territory, and that the only method in which proper service can be had on said parties is by sending a copy of the interrogatories to some party residing in South McAlester, and have him make personal service on Messrs Mansfield, McMurray & Cornish in accordance with Rule 15 of the Rules and Regulations above referred to, a copy of which is enclosed you herewith.

Yours truly,

Commissioner in Charge.

Enc Y 136

M.C.R. 4816

Muskogee, Indian Territory, July 30, 1902.

Thomas & Harrison,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 28th inst., enclosing certified copy of marriage record between H. B. Hunt and Elisabeth Francis Dollir, which you offer for filing in support of the application made by Hezekiah B. Hunt for the identification of himself and minor children as Mississippi Choctaws.

The same has been filed with the record in this case.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, January 5, 1903.

Hezekiah E. Hunt,

Ivey, Mississippi.

Dear Sir:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.C.R. 5574
Samuel H. Hunt, et al.	M.C.R. 4702
William F. Hunt, et al.	M.C.R. 4815
Hezekiah E. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5575
Cassie Bates, et al.	M.C.R. 5576
Minnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James G. Smith	M.C.R. 5579
Nancy Yocum, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5583
William C. Furtick, et al.	M.C.R. 5871
Tandy L. Caver,	M.C.R. 5872
Thomas S. Smith, et al.	M.C.R. 5882
John E. Everett, et al.	M.C.R. 5883
Ella Lewis, et al.	M.C.R. 5884
Willie Drewry	M.C.R. 5885
Charles J. Smith	M.C.R. 5886
Mary Jones et al.	M.C.R. 5898
Will Yocom	M.C.R. 5899
John Yocom	M.C.R. 5900
William W. Furtick	M.C.R. 6069
Jefferson D. Furtick, et al.	M.C.R. 6070

Hezekiah L. Hunt,--2

Frank M. Furtick, et al.	M.C.R. 6071
Fallie Bearing, et al.	M.C.R. 6072
Eliza Michael, et al.	M.C.R. 6073
Willia A Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Bill E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 5587
George Jumper, et al	M.C.R. 6236
Moses Jumper	M.C.R. 6237
Hettie Cheves, et al.	M.C.R. 6320
George A. Everett	M.C.R. 6321

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 Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver B. Hunt, Henry D. Hunt, Willie F. Hunt, Lelia E. Hunt, Samuel W. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Hezekiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Hattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jonnie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Bessie Bates, Alice Pates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin Jumper, William C. Furtick, Clara Furtick,

Willie Furtick, Ed Furtick, Kate Furtick, Fanny L. Fayer,  
Charles D. Feltz, Joseph Feltz, Wanda Feltz, Joan F.  
Foyett, Susan E. Foyett, Frank C. Foyett, Ella Lewis,  
Irene Lewis, John C. Lewis, Alice P. Lewis, Irvin A. Lewis,  
Willie L. Lewis, Charles J. Smith, Mary Jones, Gusnie Jones,  
Gusnie Jones, Will Yocom, John Yocom, William V. Furtick,  
Jefferson D. Furtick, Jennie Furtick, Edna L. Furtick, Eugenia  
Furtick, Frank H. Furtick, Frankie Furtick, Alice Furtick,  
Louis Furtick, Sallie Bearing, Mary Bearing, Jim Bearing,  
Alexander E. Bearing, Eliza Leavel, Andrew Carpenter, James  
Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Paula Michael,  
William A. Jumper, George A. Jumper, Dick Jumper, Ed Jumper,  
Linnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates,  
Romie Yates, Mattie Frances Yates, Will E. Yates, Frank  
Jumper, George Jumper, Ned Jumper, Ben Jumper, Sam Jumper,  
Harvey Jumper, Moses Jumper, Lettie Cheves, Mary Cheves,  
Hamilton Cheves, Lewis Cheves, Fredie Cheves, Johnnie Cheves  
and George A. Everett as Choctaw Indians entitled to rights  
in the Choctaw lands under the provisions of said article  
fourteen of the treaty of eighteen hundred and thirty, and that  
the 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 Secre-  
tary of the Interior through the Commissioner of Indian Affairs.

Very truly,  
S. J. [Signature]

Acting Chairman.

Registered.

*Alm*

REFER IN REPLY TO THE FOLLOWING:

**MCR-4816**

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

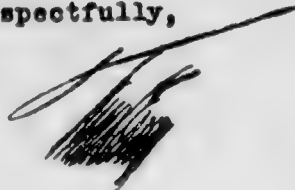
Muskogee, Indian Territory, February 28, 1907.

Hezekiah B. Hunt,  
Boonville, Mississippi.

Dear Sir:-

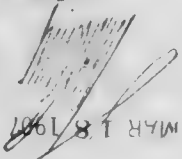
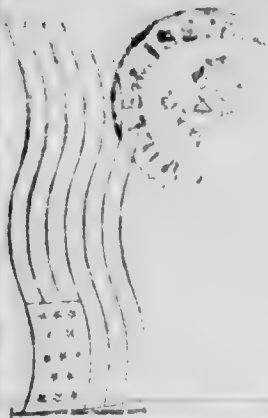
You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,



Commissioner.





F I L I N D

DEPARTMENT OF THE INTERIOR.  
Commissioner to the Five Civilized Tribes.

Department of the Interior.

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



Zekeiah P. Hunt,

Boonville, Mississippi.

#. 827

No. 4015

# For Identification as a Mississippi Choctaw.

Meridian Miss Date FEB 15 1892

Name Hezekiah B. Hunt

Age 46 Blood 1/4

Post Office, Ivey, Miss.

Father: Henson Hunt d

Mother: Katie " d

Claims through mother  
wife Elizabeth F Hunt L  
no claim for wife.

Claims for self and 4 children

Children:

Josephine Hunt	19
Eliza V. "	17
Minnie F. "	13
Eva E. "	4

Stenographer

J. S. Niles.

Choctaw MCR -4817

Virginia Jumper

See MCR 5574

MCR 4817

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 15, 1902.

In the matter of the application of Virginia Jumper for the identification of herself and husband, Sam Jumper, as Mississippi Choctaws.

Virginia Jumper, having been first duly sworn, upon her oath states as follows:

Examination by the Commission.

- Q What is your name? A Virginia Jumper.  
Q How old are you? A Fifty.  
Q How much Choctaw blood have you? A One quarter, I reckon.  
Q What's your post office address? A Ivey, Mississippi.  
Q What county? A Prentiss County.  
Q How long have you lived in Prentiss County? A I couldn't tell you - thirty five or forty years, or maybe longer; I was brought here a small child.  
Q Where from? A From Alabama.  
Q What county? A Well, I couldn't positively say whether it was Coosey County or Autauga County; I couldn't be positive which.  
Q How long had your parents lived over in Alabama prior to their removal of this State? A I don't know, my mother was raised there.  
Q Is your father living? A No, sir.  
Q What was his name? A Henson Hunt.  
Q Mother living? A No, sir.  
Q What was her name? A Katie Hunt.  
Q Through which one of your parents did you get your Choctaw blood?  
A My mother's side.  
Q She was born and raised over there in Alabama, near Coosey County?  
A Yes, sir, in there somewhere; I couldn't be positive, for I forgot.  
Q How old would she be if she were living now? A She would be about sixty seven, I reckon.  
Q Well, through which one of her parents did she get her Choctaw blood? A From her mother.  
Q What was her name? A Ellen Myers.  
Q Do you know what her maiden name was? A Sakles.  
Q How much Choctaw blood did Ellen Sakles have? A Well, she must have been nearly a full blood, for her parents were Choctaws.  
Q Do you know their names? A Well, yes, I know what they called them  
Q What? A Fritz Sakles, and I believe the old lady was named Mary.  
Q Where did they live during their life times? A Over here in Alabama; I couldn't tell you whether it was the west part, or the south west, or where; I couldn't be positive.  
Q Now, where did Ellen Myers live during her life time? A She lived in Alabama and died there.  
Q Never lived in Mississippi? A I don't think she ever got in Mississippi; they called it then times, the Choctaw Nation, was my understanding from my mother.

Virginia Jumper et al., 2.

- Q Well, did Ellen have a Choctaw name? A I couldn't tell you; she was named Just Ellen Sakles.
- Q Did you ever see her? A No, sir, never seen her.
- Q Did you ever see her grand parents? A No, sir.
- Q Did they ever have any other names besides those you have given? A No, sir.
- Q Are you married? A Yes, sir.
- Q Is your husband living? A Yes, sir.
- Q What's his name? A Sam Jumper.
- Q Has he any Choctaw blood? A He claimed to be one quarter.
- Q You claim for him too? A Yes, sir, I just tell it as I have always been taught.
- Q How old is he? A Fifty two.
- Q How long has he lived here in Mississippi? A Well, he has lived here nearly all his life. He come from Alabama with his parents.
- Q Well, are you living together now? A Yes, sir.
- Q Were you lawfully married? A Yes, sir.
- Q When? A I don't remember; I remember the month and the day, but I can't remember the exact year.
- Q Where were you married? A In Prentiss County, been married about thirty five years.
- Q Whom married you? A Old man Squire Jones.
- Q Just ice of the Peace? A Yes, sir.
- Q Is your husband's father living? A No, sir.
- Q What was his name? A James Jumper.
- Q Your husband's mother living? A No, sir.
- Q What was her name? A Eliza James.
- Q Through which one of his parents did your husband get his Choctaw blood? A From his father, but I don't know that I can trace his origin back.
- Q Where was your husband's father born? A I couldn't tell you whether it was Alabama, or not. I think he was, for they were married there.
- Q How much Choctaw blood did he have? A Well, I couldn't exactly tell you that.
- Q Do you know the name of either of his parents? A Yes, sir, his father, was old Samuel Jumper, and his mother was Elizabeth Furtick.
- Q Through which one of his parents did James Jumper get his Choctaw blood? A Through his mother.
- Q Betsey? A Yes, sir.
- Q According to your statement she was a full blood Choctaw? A Yes, sir, that's my recollection.
- Q Did you ever see her? A No, sir, she's been dead several years.
- Q Do you know where she was raised? A I couldn't tell you that to save my life.
- Q Do you know the names of her parents? A I know her mother's given name.
- Q What was it? A Mary Martalena Sakles. That was my husband's great grand mother.
- Q Was she a full blood Choctaw? A I think she was.
- Q Was her husband a full blood Choctaw? A No, sir, I don't think there was any in him.
- Q Do you know the name of her father or mother? A No, sir, I don't.
- Q Have you any minor children living? A No, sir.
- Q This application, then is for yourself and husband? A Yes, sir.

Virginia Jumper, et al., 3.

- Q Is your name or your husband's name on any of the Choctaw tribal rolls in Indian Territory? A I don't know.
- Q Was any application of any description ever been made before to-day for you or your husband for the purpose of establishing your rights as Choctaw Indians? A No, sir.
- Q Do you appear before the Commissioner this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and husband under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand that 14th article? A I think I do, I don't know.
- Q You have heard it explained here a great many times? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that article or ever receive any benefits under it? A Not that I ever heard of.
- Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, seventy one years ago, when this treaty was made? A Well, I don't know.
- Q Did any of your husband's ancestors own an improvement here at that time? A Not that I know of.
- Q Did any of them ever comply with the treaty provisions? A If they did, I don't know it.
- Q Did any of your ancestors, or any of your husband's ancestors, in fact, live here in the old Choctaw Nation, in Mississippi and Alabama, seventy one years ago, when this treaty was made? A Yes, sir; I reckon they did. I reckon my grand mother lived there.
- Q That was Ellen Myers? A Yes, sir, and died there, I suppose. Down in here where I was always taught by my mother.
- Q In the south west part of Alabama? A Yes, sir.
- Q Any of your husband's ancestors live there seventy one years ago? A Well, I don't know whether they did or not, I reckon they did.
- Q What one of his Choctaw ancestors lived there? A I don't know; I am too fast; I don't know.
- Q Did any of your Choctaw ancestors, or any of your husband's Choctaw ancestors remove to the present Choctaw Nation, in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A Not that I know of. They didn't ~~know~~ none of them that I know of.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not that I know of.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I ever heard of.
- Q Did any of them ever get any land here in Mississippi from the Government of the United States under that treaty of Dancing Rabbit Creek? A No, sir, not that I ever heard of.
- Q Did any of them ever get any money from the Government? A No, sir not that I ever heard of.
- Q You have heard the explanation as to the causes which brought about certain Acts of Congress between the years 1837 and 1842, and their provisions, did you not? A Yes, sir, I did.
- Q Did any of your ancestors, or any of your husband's ancestors appear before any of these commissioners appointed under these Acts

Virginia Jumper, et al., 4.

of Congress and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I ever heard of.

Q Did any of your ancestors, or any of your husband's ancestors ever get any scrip from the Government of the United States under the Act of Congress approved on the 23rd day of August, 1842? A Not that I ever heard of.

Q So far as you know, then, none of your ancestors, ever received any benefits whatever as Choctaw Indians? A No, sir, not as far as ever I knew.

Q Do you know of any old persons living who would likely know whether any of your ancestors, or any of your husband's ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I know of an old person that lived down there in Alabama with them that is living and knew our old ancestors.

Q What's the name of that person? A John Aldridge.

Q How old is he? A He is eighty nine or ninety years old; he was at my house a day or two ago, and he was talking about it.

Q What's his post office address? A Ivey. He lives in Tippet County down there; the Choctaws were living near.

Q Do you know of any others? A No, sir, but this old man, I heard him tell it there that morning - could be positive in taking oath to be eighty nine or ninety.

Q Do you know any other people that would know about that? A Yes, sir, Mr. Furtick; I don't know about that, but he knows our people.

Q I am talking about proof of the compliance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek? A I don't know whether he knows about that or not.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir, I aint.

If you should find any witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before us at any of our appointments here in Mississippi this winter or spring, or within a reasonable time at the general office of the commission, in Muskogee, Indian Territory, and their testimony will be taken.

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

Q Have you any children living? A Yes, sir, three.

Q What are their names? A William Jumper. He is here today.

Q Next one? A Annie Green.

Q Next one? A Douglas Jumper.

Q Any children dead who left children? A No, sir, that's all I have.

Q Have you any brothers living? A Yes, sir.

Q How many? A Three.

Q What are their names? A Hezekiah Hunt, John Hunt and Samuel Hunt.



Virginia Jumper, et al., 5.

Q Has any one of your brothers been before the Commission? A None but Samuel Hunt. Hezekiah is here to-day.

Q Have you any sisters living? A Two.

Q What are their names? A Julia Alexander.

Q Next one? A Louisa Blagg.

Q You don't speak or understand the Choctaw language? A No, sir.

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

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 15th day of February 1902, at Meridian, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Seale, Mississippi, this 15th day of March, 1902.

*L. B. Mosely*

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

By *[Signature]*

Deputy.

Department of the Interior.  
Commissioners the Five Civilized Tribes.  
M C R 4817. Muskogee, I. T., July 17th, 1902.

Additional  
Testimony.

-----oOo-----

In the matter of the application of Virginia Jumper et al.,  
for identification as Mississippi Choctaws.

Thomas & Harrison, attorneys.

Sam P. Jumper, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A S. P. Jumper.  
Q What is your first name? A Sam.  
Q What is your wife's name? A Virginia.  
Q What is your post office address? A Jumpertown, Mississippi.  
Q Did your wife appear before the Commission at Meridian, Mississippi, on February 15, 1902, and make application for the identification of herself and for your identification as Mississippi Choctaws? A Yes sir, that's right.  
Q She gave her post office at that time as Ivey, Mississippi, is that correct? A Yes sir.  
Q Have you changed your post office since that? A Yes sir, sure is right there at home now; the post office is now Jumpertown, Mississippi.  
Q At the time your wife appeared before the Commission at Meridian on the 15th of February, last, she gave your age as fifty-two; is that correct? A Yes sir, she told me so, and we looked it up.  
Q Is your age fifty-two? A I am sixty-two next October.  
Q Sixty-two next October instead of fifty-two? A Yes sir.  
Q What was the name of your father? A James Jumper.  
Q What was the name of your mother? A Eliza.  
Q Through which one of your parents did you get your Choctaw blood? A Father.  
Q How old would he be if he were living to-day? A About seventy or eighty.  
Q Do you know the year in which he was born? A No sir.  
Q Through which one of his parents did he get his Choctaw blood?  
A Through his mother.  
Q What was her name? A Elizabeth.  
Q Through which one of her parents did Elizabeth get her Choctaw blood? A Her mother.  
Q What was her mother's name? A Her mother's name was Mary Mottoline.  
Q Did she have a Choctaw name? A Yes sir.

#2.

- Q What was her Choctaw name? A I cant recall it now; I know it as well as I know my own but I cant speak it right now.
- Q Do you know the name of Mary's father? A Yes sir.
- Q What was his name? A Che-ka-choye.
- Q Sure of that are you? A I think it is.
- Q Can you spell this name? A No, I cant spell nothing.
- Q You don't know how this name was spelled then? A No sir/
- Q Now through which one of her parents did your wife Virginia get her Choctaw blood? A Her mother.
- Q Through which one of her parents did Virginia's mother get her Choctaw blood? A She got it through Ellen.
- Q Through which one of her parents? A Ellen Sakles.
- Q Through which one of her parents did Ellen Sakles get her Choctaw blood--her father or her mother? A Her father.
- Q What was his name? A I cant recall it, just now- - - Che-ka-choye.
- Q Did Ellen ever have a sister by the name of Mary Mottoline?
- A Yes sir.
- Q Full sister? A Yes sir, that's what they said.
- Q What was Ellen's married name? A Myers; she married a man by the name of John Myers.
- Q Was she married more than once? A No sir
- Q Have you any brothers or sisters living now? A Yes sir.
- Q How many? A Let's see - - I am the oldest- - -there's nine of them in all.
- Q Including you? A Yes sir.
- Q Now name them, the oldest first? A Well, I am the oldest one, and Tip Jumper is next and Dave is next and Billy next and George.
- Q Next one after George? A Mary, sister.
- Q Is she married? A Yes sir.
- Q What is her married name? A Mary Yates.
- Q Next one? A Bettie English.
- Q Next one? A Is Nancy Yocum.
- Q Next one? A She married a man by the name of Yocum; she's dead; she died; I know she's dead.
- Q Next one? A That's all.
- Q That's all is it? A Yes sir.
- Q Have any of them appeared before the Commission--any of your brothers or sisters? A None but my sister; I expect she has.
- Q What is her name? A Nancy Yocum.
- Q When did she die? A She's not dead, Nancy isn't.
- Q Then two of your sisters married Yocums? A Yes sir.
- Q What is the name of your deceased sister who married Yocum?
- A Was Jane.
- Q Now has your wife any brothers or sisters living? A Yes sir.
- Q How many brothers? A She's got three brothers.
- Q What are their names? A Ther's Hezekiah B. Hunt.
- Q Next one? A Sam Hunt.
- Q Next one? A John Hunt.
- Q Has John Hunt been before the Commission? A No sir, not as I know of.
- Q Are any of your wife's mother's brothers or sisters living--Katie Hunt's brothers or sisters? A No sir, not that I knew of.

#3.

By the attorney:

- Q Did this person Ellen whom you mentioned a moment ago as having a sister by the name of Sallie, did she have another sister?
- A Ellen++++-there was Mary Mottoline and Ellen Catherine, and Sallie was the youngest one.
- Q Then she did have a sister by the name of Mary Mottoline?
- A Yes sir.
- Q What other name, if any, did these three sisters have?
- A That's all I know.
- Q Did you ever hear of them having the name of Sakles or Che-ka-choyo? A Sometimes they called them that you know. I have heard that spoken of a heap by people as Sakles, but Che-ka-choyo is the right name; the other they claimed was the English.
- Q What was the name of the father of these three sisters?
- A Che-ka-choyo.
- Q Then the person about whom you have testified as Che-ka-choyo, and the person called Sakles is, as you understand and believe to be, one and the same? A All the same; all the same.
- Q Where do you get that information? A I got it from the old ones--from my grandfather.
- Q Your grandfather? A And grandmother.
- Q What is the name of your grandfather? A Sam Jumper.
- Q What was the name of your grandmother? A Elizabeth Jumper.

By the Commission:

- Q Mr. Jumper do you know whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of the article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A Yes sir, that's what my grandfather and grandmother always told me: that your granddaddy--Mary Mottoline's father- - - -
- Q What was his name Mr. Jumper? A Che-ka-choyo.
- Q What did you ever hear about his complying with the provisions of this fourteenth article? A I heard my grandmother say --I don't remember much about it; she's the only one I ever did hear talk about it.
- Q I want to know what you heard about it? A She said that they had some land down there in Mississippi; her father--her grandfather--her mother's father had some land there and it was taken from him by the whites, and I think they said it was school land; I don't know whether it was public land or school land or not.
- Q You never heard of his having gotten that from the government?
- A I heard her talk about it when I was a little bit of a fellow.
- Q Did you ever hear her say that he claimed this land under that particular article of the treaty of Dancing Rabbit Creek?
- A I don't know what claim; I never paid no attention to the claim.
- Q Your answer to that question then is "no" isn't it? A I don't know.
- Q Well you know whether you heard that or not? A Of course I heard it. I never heard nothing about this Rabbit Creek; if I ever heard it named I never remember of hearing her name it.
- Q You never heard her speak of the treaty of Dancing Rabbit Creek?

#4.

- A She said that they had land there and it was taken away from them.
- Q When did you first hear about this treaty of Dancing Rabbit Creek? A Don't recall how long; seven or eight or ten years; O don't recall for certain how long.
- Q You have never heard then of any of your Choctaw ancestors ever having gotten any land from the government under article fourteen of the treaty of Dancing Rabbit Creek did you? A No sir.
- Q Did you ever hear of any of them ever having claimed to have complied or attempted to comply with the provisions of that fourteenth article? A Well, I told you I heard them saying that they complied with some article but I don't recall--for I couldn't tell you if I was going to die; they got knocked out of it and they had a lawsuit concerning this thing some way.
- Q Do you know where this land was located that they claimed back there? A In Mississippi.
- Q In what part of Mississippi? A I couldn't tell you.
- Q Do you know how much there is in the tract that they claimed? A I don't believe I do just exactly.
- Q What one of your Choctaw ancestors was living in Mississippi and the head of a family in 1830 when this treaty was made? A I reckon they was all living down there.
- Q Well name ones who were living at that time and who were the heads of families seventy-two years ago? A Well, there was-- I declare to you I don't recall; I don't know; I don't know anything about it; I declare I couldn't tell you.
- Q Your father's mother had children at that time didn't she? A Yes sir.
- Q Elizabeth? A Yes sir; he was living down there--grandfather.
- Q Well you never heard of your father's mother Elizabeth ever complying or attempting to comply with the provisions of this fourteenth article or receiving any benefits thereunder? A No, I heard her say they took everything they had; she was crying and telling mother about it; that was away - - - I reckon I was about eleven years old.
- Q Did Elizabeth have a Choctaw name--Indian name? A She was a Furtick.
- Q Did she have a Choctaw name, or Indian name? A No sir.
- Q Did she own an improvement in the old Choctaw Nation in Mississippi or Alabama in the year 1830 when this treaty was made; did Elizabeth Furtick your grandmother own an improvement at that time? A Grandfather and her had a home down there, but I don't know where it was.
- Q You don't know what became of it do you? A No sir; I know they took everything they had; everything that they could.
- Q Who took it? A The people in this lawsuit about this land; it was some school land these Commissioners had given them, and they took it away from them. I know they was crying about it there and telling mother about it.

By the Commission to Mr. Harrison:

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

#5.

By the Commission to witness:

- Q You have told us Mr. Jumper all that you have ever heard about any of your Choctaw ancestors ever having complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A All that I recollect.
- Q Did you ever hear anything further than what you have already told us with reference to whether any of your wife's Choctaw ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?
- A No sir, none at all that I know.

By the attorney:

- Q Do you know a lady by the name of Mrs. Mary Margaret Cooper?
- A Yes sir.
- Q Where does she live? A Not far from Boonville, Mississippi.
- Q How old is she? A Well, I reckon she's ninety; she's ninety years old; I heard her tell this last summer how old she was; it's ninety something.
- Q From your association with her and acquaintance with her, have you reason to believe that she could give testimony in this case that would tend to establish the proposition that some of your Choctaw ancestors attempted to comply with the provisions of the fourteenth article of the treaty of 1830? A Yes sir, I think so; she knowed them always; I have heard her say so.
- Q Do you know Mr. J. L. Aldrige? A Yes sir.
- Q Where does he live? A He lives in Tippah county; about the line of Tippah and Prentiss.
- Q In the state of Mississippi? A Yes sir.
- Q Have you reason to believe that his knowledge of your family history is such that he could give information that would be of some benefit in establishing this claim? A Yes sir, I think so.
- Q Do you know a man by the name of Marion Kitchen? A Yes sir.
- Q Where does he live? A He lives at the same county, sorta in the south part.

By the Commission:

- Q In Tippah county? A No sir, Prentiss.

By the attorney:

- Q Have you reason to believe that he could give some material testimony in the support of this claim? A Yes sir.
- Q You have never heard of the treaty of Dancing Rabbit Creek?
- A No sir.
- Q Do you remember of ever having heard of the treaty of 1830?
- A Yes sir, I have heard of it.

By the Commission:

Special reference is hereby made to M C R 4815, 4816,

#6.

4818, 4702, 5574, 6069, 6070, 6071 and 6072, the applicants in these cases being the descendants of a common Choctaw ancestor.

-----

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 17th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Albert G. McMillan*

Subscribed and sworn to before me this 31<sup>st</sup> day of July, 1902.

*Chas. L. V. Emerson*  
Notary Public.



Miss. Choc. 4702,  
4815, 4816, 4817,  
4818.

Muskogee, Indian Territory, February 28, 1902.

Samuel H. Hunt,  
Ivey, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of February  
24, 1902, enclosing papers as follows:

Affidavit of Virginia Jumper and Samuel P. Jumper with  
interrogatories attached thereto to be propounded to  
Margaret Cooper in the matter of the application of  
Virginia Jumper and Samuel P. Jumper for identification  
as Mississippi Choctaws.

The affidavit of Samuel H. Hunt, Virginia Jumper, John W.  
Jumper, Hezekiah Hunt and William F. Hunt with interroga-  
tories attached thereto to be propounded to John L.  
Aldridge in the matter of the applications of Samuel H.  
Hunt, Virginia Jumper, John William Jumper and Hezekiah  
B. Hunt and William F. Hunt for identification as Mississ-  
ippi Choctaws.

Affidavit of Virginia Jumper and Samuel P. Jumper together  
with interrogatories attached thereto to be propounded to  
John L. Aldridge in the matter of the application of  
Virginia Jumper and Samuel P. Jumper for identification  
as Mississippi Choctaws.

The affidavit of Virginia Jumper and Samuel P. Jumper  
together with interrogatories attached thereto to be pro-  
pounded to George Michieal and Sim Windham in the matter  
of the application of Virginia Jumper and Samuel P.  
Jumper for identification as Mississippi Choctaws.

The affidavit of Virginia Jumper and Samuel P. Jumper  
together with interrogatories attached thereto to be pro-  
pounded to Med Jumper in the matter of the application of  
Virginia Jumper and Samuel P. Jumper for identification as  
Mississippi Choctaws.



Samuel H. Hunt 2

The affidavit of Samuel H. Hunt, Virginia Jumper, John W. Jumper, Hezekiah B. Hunt and William F. Hunt together with interrogatories attached thereto to be propounded to Margaret Cooper in the matter of the applications of Samuel H. Hunt, Virginia Jumper, John W. Jumper, Hezekiah B. Hunt and William F. Hunt for identification as Mississippi Choctaws.

Affidavit of Hezekiah B. Hunt with interrogatories attached thereto to be propounded to Willie Dollar and Elsett Hawkins in the matter of the application of Hezekiah B. Hunt for identification as Mississippi Choctaws.

Certified copy of the marriage record between John W. Jumper and Almeda Jumper.

Certified copy of the marriage record between J. W. Jumper and H. E. Colson.

Certified copy of the marriage record between W. F. Hunt and M. L. Caveness.

Certified copy of the marriage record between S. H. Hunt and S. E. McElroy.

The certified copies of the marriage records enclosed with the exception of the one between S. H. Hunt and Miss S. E. McElroy are in due form and have been filed and made a part of the records in the several applications to which they relate. The one between S. H. Hunt and S. E. McElroy is returned for the reason that it appears from the records in the application of Samuel H. Hunt that the name of the mother of the children for whom he makes application, is Caroline Hunt.

The affidavits and interrogatories thereto attached are herewith returned for the reason that the rules of the Commission regulating and governing the procedure in the taking and submission of depositions in support of applications for identification as

Samuel H. Hunt 3

Mississippi Choctaws, require that the applicant must serve a copy of the interrogatories upon the opposing party or his attorney of record and must make proper proof of such service and this you have failed to do.

For your guidance you are informed that the opposing party in this case is the Choctaw and Chickasaw Nations that their attorneys of record are Messrs Mansfield, McMurray & Cornish, South McAlester, Indian Territory, and that the only method in which proper service can be had on said parties is by sending a copy of the interrogatories to some party residing in South McAlester, and have him make personal service on Messrs Mansfield, McMurray & Cornish in accordance with Rule 13 of the Rules and Regulations above referred to, a copy of which is enclosed you herewith.

Yours truly,

Commissioner in Charge.

Enc Y 136

Muskogee, Indian Territory, March 11, 1902.

S. H. Hunt,  
Ivey, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the seventh instant, stating that your sister, Mrs. Virginia Jumper believes that she gave the age of her husband, Samuel P. Jumper, as fifty two years, at the time she applied for his identification as a Mississippi Choctaw, and if this be so, she desires to correct the same, as his age is sixty two.

In reply to your letter you are advised that it appears from our records that at the time Virginia Jumper made application for the identification of herself and her husband as Mississippi Choctaws she stated that the age of Sam Jumper her husband was fifty two. You are advised that this correction has been made a matter of record.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, January 5, 1903.

Virginia Jumper,

Jumpertown, Mississippi.

Dear Madam:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.C.P. 5574
Samuel H. Hunt, et al.	M.C.R. 4702
William F. Hunt, et al.	M.C.R. 4815
Hezekiah B. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5575
Cassie Bates, et al.	M.C.R. 5576
Minnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James G. Smith	M.C.R. 5579
Nancy Yocom, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5583
William G. Furtick, et al.	M.C.R. 5871
Tandy L. Caver	M.C.R. 5872
Thomas S. Smith, et al.	M.C.R. 5882
John E. Everett, et al.	M.C.R. 5883
Ella Lewis, et al.	M.C.R. 5884
Willie Drewry	M.C.R. 5885
Charles J. Smith	M.C.R. 5886
Mary Jones, et al.	M.C.R. 5893
Will Yocom	M.C.R. 5899
John Yocom	M.C.R. 5900
William V. Furtick	M.C.R. 6069
Jefferson D. Furtick, et al.	M.C.R. 6070

Virginia Jumper, --2

Frank J. Furtick, et al.	M.C.R. 6071
Sallie Pearing, et al.	M.C.R. 6072
Eliza Michael, et al.	M.C.R. 6073
William A. Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Bill E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 5587
George Jumper, et al.	M.C.R. 6236
Hoses Jumper	M.C.R. 6237
Fattie Cheves, et al.	M.C.R. 6280
George A. Everett	M.C.R. 6321

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 Alice Gardner, E. J. Gardner, Jennie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver F. Hunt, Henry D. Hunt, Eddie F. Hunt, Lollie E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Heseekiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John V. Jumper, Annie F. Jumper, Dug Jumper, Mattie E. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Hessie Bates, Alice Yates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark

Virginia Jumper, --3

Jumper, Marvin Jumper, Willie C. Furtick, Sam Furtick, Sallie Furtick, Ed Furtick, Ruth Furtick, Andy L. Gaver, Thomas S. Smith, Charlotte Smith, Mona Smith, John L. Everett, Thomas L. Everett, Frank C. Everett, Ora Lewis, Orra Lewis, David C. Lewis, Ailie P. Lewis, Elvin A. Lewis, Willie Brewmy, Charles J. Smith, Mary Jones, Cussie Jones, Gracie Jones, Will Yocom, John Yocom, Willie W. Furtick, Jefferson D. Furtick, Jessie Furtick, Ezra L. Furtick, Eugenia Furtick, Frank H. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Samie Bearing, Mary Bearing, Jim Bearing, Alexander I. Bearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Margaret, Della Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Sam Jumper, Minnie Jumper, Arthur Jumper, Tom Jumper, James A. Yates, Lonnie Yates, Mattie Frances Yates, Will P. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Lottie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Registered.

Acting Chairman.

MCR-4817

Muskogee, Indian Territory, February 28, 1907.

Virginia Jumper,  
Boonville, Mississippi.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

#1007

No. 78

# For Identification as a Mississippi Choctaw.

Meridian Miss

Date

FEB 15 1902

Name

Virginia Jumper

Age

50

Blood

1/4

Post Office,

Ivy, Miss

Father:

Henson, Hurn &

Mother:

Katie Hurn &

Claims through

mother

husband

Sam Jumper (14) 52 L &

Father

James Jumper

Mother

Eliza

husband claims through father.

Children:

One son only

Stenographer

Stenographer

R. S. Street



For Identification as a Mississippi Choctaw.

Date

Name Virginia Jumper et al.

Age

Blood

Post-Office.

Father:

Mother:

Claims through

Children:

Additional testimony of Sam Jumper.

Stenographer

Alvin Mellan

Choctaw MCR 4818

John W. Jumper

See MCR 5574

MCR 4818

4518

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 15th, 1902.

In the matter of the application of John W. Jumper for the identification of himself and five minor children, Annie F., Dug, Mattie B., Dixon F., and James Levi, as Mississippi Choctaws.

Said John W. Jumper, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A John W. Jumper.  
Q How old are you? A About thirty-three I reckon.  
Q How much Choctaw blood have you? A Well, I've always been told about a quarter-I get the quarter on my mother's side and a quarter on father's side.  
Q What is your postoffice address? A Ivey.  
Q What County? A Prentiss County.  
Q How long have you lived in Prentiss County? A I was born and raised there.  
Q Is your father living? A Yes sir.  
Q What's his name? A Sam Jumper.  
Q Is your mother living? A Yes sir.  
Q What's her name? A Virginia Jumper.  
Q Is she the Virginia Jumper who just appeared before the Commission? A Yes sir.  
Q Has your father any Choctaw blood? A Yes sir, he claims to have.  
Q How much? A About a quarter I believe.  
Q How much Choctaw blood has your mother? A One quarter, that's what I've always been told.  
Q Have your parents lived in this State all their lives? A Ever since I could recollect they have.  
Q Where did they come from to this State? A I believe they was born in Alabama.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q What's her name? A Almata.  
Q You make no claim for her? A Well, no-I don't.  
Q How many children have you living? A Five.  
Q What are their names and ages? A Annie F., twelve years old; Dug, six; Mattie B., four; Dixon F., two; James Levi, he's just about a week old.  
Q Are these children all living with you at this time? A Yes sir.  
Q Are they all the children of yourself and Almata Jumper? A No sir, I've been married twice-the oldest is by my first wife.  
Q What was the name of her mother? A Mary Colson was her maiden name.  
Q Did she have any Choctaw blood? A No sir.  
Q Is she dead? A Yes sir.  
Q How long had she been dead when you married your second wife? A About two years or a little over.  
Q Were you lawfully married to her? A Yes sir.  
Q Where were you married to Mary? A In Tippit County, Mississippi.  
Q Married under a license? A Yes sir.  
Q Who married you? A Squire Geno; the next time I married in Prentiss County.

John W. Jumper et al--2

Q Were you married to her under a license? A Yes sir.

It will be necessary to furnish evidence of your marriage to your first and second wife for use in connection with the application you make for your minor children.

- Q This application is for yourself and five minor children? A Yes sir.
- Q Is your name or the name of any one of these children on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- Q Has any application of any description ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaws? A No one ever have.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No sir, never did.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know anything about it, if they did.
- Q Did any of them, in fact, live here at that time? A I couldn't swear that-I don't know.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir, I have no knowledge of it.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A No sir.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A If they did I have never heard of it.
- Q Did any of them ever get any land under any other provision in that treaty? A No sir.
- Q Did any of them ever get any money from the Government? A No sir.
- Q You have heard the explanation as to the causes which brought about certain acts of Congress between the years 1837 and 1842 and their provisions, have you not? A Yes sir.
- Q Did any of your ancestors appear before any of these Commissioners appointed under any of these acts of Congress, and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.
- Q Did any of them ever get any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A No sir.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, I don't know.

John W. Jumper et al--3

of none.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir, I don't.

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

Q Have you any witnesses here? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any of our appointments here in Mississippi this Winter or Spring or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

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

Q Have you any brothers living? A Yes sir.

Q How many? A One.

Q What's his name? A Dug Jumper.

Q Are you acquainted with Samuel H. Hunt? A Yes sir.

Q What relation is he to you? A My uncle.

Q Your mother's brother? A Yes sir.

This applicant has the appearance of being a white man-- shows no indications of being possessed of Indian blood-- does not speak or understand the Choctaw language.

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 15th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 14th day of March, 1902, at Seale, Mississippi.

*L. B. Mosley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]*

Deputy.

MCR-4818

Muskogee, Indian Territory, February 28, 1907.

John W. Jumper,  
Boonville, Mississippi.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

Miss. Choc. 4702,  
4815, 4816, 4817,  
4818.

Muskogee, Indian Territory, February 28, 1902.

Samuel H. Hunt,  
Ivey, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 24, 1902, enclosing papers as follows:

Affidavit of Virginia Jumper and Samuel P. Jumper with interrogatories attached thereto to be propounded to Margaret Cooper in the matter of the application of Virginia Jumper and Samuel P. Jumper for identification as Mississippi Choctaws.

The affidavit of Samuel H. Hunt, Virginia Jumper, John W. Jumper, Hezekiah Hunt and William F. Hunt with interrogatories attached thereto to be propounded to John L. Aldridge in the matter of the applications of Samuel H. Hunt, Virginia Jumper, John William Jumper and Hezekiah B. Hunt and William F. Hunt for identification as Mississippi Choctaws.

Affidavit of Virginia Jumper and Samuel P. Jumper together with interrogatories attached thereto to be propounded to John L. Aldridge in the matter of the application of Virginia Jumper and Samuel P. Jumper for identification as Mississippi Choctaws.

The affidavit of Virginia Jumper and Samuel P. Jumper together with interrogatories attached thereto to be propounded to George Michael and Sim Windham in the matter of the application of Virginia Jumper and Samuel P. Jumper for identification as Mississippi Choctaws.

The affidavit of Virginia Jumper and Samuel P. Jumper together with interrogatories attached thereto to be propounded to Med Jumper in the matter of the application of Virginia Jumper and Samuel P. Jumper for identification as

Samuel H. Hunt 2

The affidavit of Samuel H. Hunt, Virginia Jumper, John W. Jumper, Hezekiah B. Hunt and William F. Hunt together with interrogatories attached thereto to be propounded to Margaret Cooper in the matter of the applications of Samuel H. Hunt, Virginia Jumper, John W. Jumper, Hezekiah B. Hunt and William F. Hunt for identification as Mississippi Choctaws.

Affidavit of Hezekiah B. Hunt with interrogatories attached thereto to be propounded to Willis Dollar and Elzett Hawkins in the matter of the application of Hezekiah B. Hunt for identification as Mississippi Choctaws

Certified copy of the marriage record between John W. Jumper and Almeda Jumper.

Certified copy of the marriage record between J. W. Jumper and M. E. Colson.

Certified copy of the marriage record between W. F. Hunt and M. L. Caveness.

Certified copy of the marriage record between S. H. Hunt and S. E. McElroy.

The certified copies of the marriage records enclosed with the exception of the one between S. H. Hunt and Miss S. E. McElroy are in due form and have been filed and made a part of the records in the several applications to which they relate. The one between S. H. Hunt and S. E. McElroy is returned for the reason that it appears from the records in the application of Samuel H. Hunt that the name of the mother of the children for whom he makes application, is Caroline Hunt.

The affidavits and interrogatories thereto attached are herewith returned for the reason that the rules of the Commission regulating and governing the procedure in the taking and submission of depositions in support of applications for identification as



Samuel H. Hunt 3

Mississippi Choctaws, require that the applicant must serve a copy of the interrogatories upon the opposing party or his attorney of record and must make proper proof of such service and this you have failed to do.

For your guidance you are informed that the opposing party in this case is the Choctaw and Chickasaw Nations that their attorneys of record are Messrs Mansfield, McMurray & Cornish, South McAlester, Indian Territory, and that the only method in which proper service can be had on said parties is by sending a copy of the interrogatories to some party residing in South McAlester, and have him make personal service on Messrs Mansfield, McMurray & Cornish in accordance with Rule 13 of the Rules and Regulations above referred to, a copy of which is enclosed you herewith.

Yours truly,

Commissioner in Charge.

Enc Y 136

Muskogee, Indian Territory, January 5, 1903.

John W. Jumper,

Ivey, Mississippi.

Dear Sir:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.C.R. 5574
Samuel H. Hunt, et al.	M.C.R. 4702
William F. Hunt, et al.	M.C.R. 4815
Hexakiah B. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5575
Cassie Bates, et al.	M.C.R. 5576
Minnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James G. Smith	M.C.R. 5579
Nancy Yocum, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5583
William C. Furtick, et al.	M.C.R. 5871
Tandy L. Caser	M.C.R. 5872
Thomas S. Smith, et al.	M.C.R. 5882
John E. Everett, et al.	M.C.R. 5883
Ella Lewis, et al.	M.C.R. 5884
Willie Drewry	M.C.R. 5885
Charles J. Smith	M.C.R. 5886
Mary Jones, et al.	M.C.R. 5898
Will Yocum	M.C.R. 5899
John Yocum	M.C.R. 5900
William W. Furtick	M.C.R. 6069
Jefferson D. Furtick, et al.	M.C.R. 6070

Frank M. Furtick, et al.	M.C.R. 6071
Sallie Dearing, et al.	M.C.R. 6073
Eliza Michael, et al.	M.C.R. 6073
William A. Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Bill E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 5587
George Jumper, et al.	M.C.R. 6236
Moses Jumper	M.C.R. 6237
Bettie Cheves, et al.	M.C.R. 6320
George A. Everett	M.C.R. 6321

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, 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 Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Hezekiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva F. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Hattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin Jumper, William C. Furtick, Clara Furtick,

John W. Jumper, — 2

Sallie Furtick, Est Furtick, Ruth Furtick, Wandy L. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman E. Everett, Frank C. Everett, Elia Lewis, Ora Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drevry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocum, John Yocum, Willie W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Bern L. Furtick, Eugenia Furtick, Frank H. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Mattie Frances Yates, Will W. Yates, Frank Jumper, George Jumper, Ned Jumper, Len Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Lottie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Jolanda Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

J. W. Jumper,

Acting Chairman.

MCR 5574-  
4818.

Muskogee, Indian Territory, December 17, 190 6.

J. M. Jumper,  
Plummerville, Arkansas.

Dear Sir :--

Receipt is hereby acknowledged of your letter of the 10th instant, in which you request to be advised if you can have land set aside for you as your prospective allotment.

In reply, you are informed that the records of this office show that a number of persons by the name of Jumper are applicants for identification as Mississippi Choctaws in the consolidated case of Alice Gardner, et al, but the records do not show that any person by the name of J. M. Jumper is an applicant for such identification.

If you have heretofore made application for identification as a Mississippi Choctaw, you should furnish this office with such information as may be in your possession which will assist in locating your name upon its records.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Meridian Miss

Date

FFF

Name John W. Jumper

Age 33

Blood 1/4

Post Office Ivey, Miss.

Father: Sam Jumper (1/4) L

Mother: Virginia " (1/4) L

Claims through both parents.

wife Almeta Jumper L  
no claim for wife.

Claims: ... of a ...

Children:

Annie F. Jumper	12
Mother Mary	6 <sup>d</sup>
Dug	6
Hattie B.	4
Dixon F.	2
James Levi	1wk.

Stenographer

J. S. Mills

Choctaw MCR 4819

John Montgomery

See MCR 4780

MCR 4819

48

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 15th, 1902.

In the matter of the application of John Montgomery for the identification of himself alone as a Mississippi Choctaw.

Said John Montgomery, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A John Montgomery.  
Q How old are you? A Twenty-one.  
Q How much Choctaw blood have you? A My father was quarter.  
Q And your mother had none? A No sir.  
Q Then you claim to be one-eighth? A Yes sir.  
Q What's your postoffice address? A Starkville.  
Q Oktibbeha County, Mississippi? A Yes sir.  
Q How long have you lived in Oktibbeha? A All my life.  
Q Is your father living? A Yes sir.  
Q What's his name? A Calvin Montgomery-he appeared before the Commission this week.  
Q Is your mother living? A Yes sir.  
Q What's her name? A Emma Montgomery.  
Q She has no Choctaw blood, has she? A No sir.  
Q Has your father lived in this State all his life? A Yes sir.  
Q Through which one of his parents did he get his Choctaw blood? A Mother.  
Q What was her name? A Penny-I forgot what he went by.  
Q Did you know her? A No, she died when I was a baby.  
Q How much Choctaw blood did she have? A One-half.  
Q Was Penny a slave? A Yes sir.  
Q Through which one of her parents did she get her Choctaw blood? A I don't know, sir.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q You make no claim for her? A No sir.  
Q What's her name? A Alise Montgomery.  
Q Have you any children living? A No sir.  
Q This application, then, is for yourself alone? A Yes sir.  
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A I don't know.  
Q Has any application of any description ever been made for you before today for the purpose of establishing your rights as a Choctaw Indian? A I don't know, 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 article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand that article? A Yes sir.  
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No sir, not as I know of.  
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir.  
Q Did any of them, in fact, live here at that time-71 years ago? A I don't know.  
Q Did any of your Choctaw ancestors remove to the present Choctaw Nation



John Montgomery--2

Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know, sir.

Q Did any of them within six months from the time the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of them ever get any money from the Government? A Not as I know of.

Q Did any of them ever receive any benefits whatever as Choctaw Indians to your knowledge? A Not as I know of.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases.

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

An act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to receive, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama,

John Montgomery--3

Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

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

Q Do you know of any real old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know, sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts--any deeds or patents, papers of any kind? A No sir.

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

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any of our appointments here in Mississippi this Winter or Spring or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time?

A No sir.

Q Have you any brothers living? A No sir.

Q Any sisters? A Yes sir.

Q How many? A One.

Q What's her name? A Ada.

Q Is she married? A No sir.

Q Your father has made application for her? A Yes sir.

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

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro seems to predominate. He does not speak or understand the Choctaw language.

-----  
Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 15th, 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.

*Ira S. Niles*

Subscribed and sworn to before me this the 15th day of March, 1902,

John Montgomery--4

at Seale, Mississippi.

*L. B. Moseley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *J. M. M.* Deputy.

CONF.

M.C.R. 4619

Muskogee, Indian Territory, June 14, 1902.

John Montgomery,  
Starkville, Mississippi.

Dear Sir:-

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Calvin Montgomery, et al., embracing the following applications for identification as Mississippi Choctaws:

Calvin Montgomery, et al.,      M.C.R. 4700  
John Montgomery,                M.C.R. 4619

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 498) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Calvin Montgomery, Ada Montgomery and John Montgomery, 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."

J.M.-----2.

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

Yours truly,

(SIGNED)

W. E. Woodlee.

Commissioner in Charge.

Registered.

COPY.

M.C.R. 4819

COPY.

Muskogee, Indian Territory, August 13, 1902.

John Montgomery,  
Starkville, Mississippi.

Dear Sir:

You are hereby notified that on the 1st day of August, 1902, the Secretary of the Interior announced the decision of this Commission regarding the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Calvin Montgomery, et al., of which decision you were advised by registered mail on the 14th day of June, 1902.

Yours truly,

Acting Chairman.

For Identification as a Mississippi Choctaw.

Indian Miss.

Date FEB 17 1902

Name John Montgomery

Age 21

Blood 1/8

Post Office, Starkville, Miss.

Father: Calvin Montgomery L

Mother: Emma " L

Claims through father  
wife Alice Montgomery L  
no claim for wife

Claims for self only

Children:

Stenographer

J. S. Niles

Choctaw MCR 4820

MCR 4820.



DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-i-

In the matter of the application of Fannie D. Cessor, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Fannie D. Cessor, et al.,	M O R 4820
Daisy McGhee, et al.,	" 4821

List of papers forwarded to Secretary of the Interior comprising the record in the consolidated case of Fannie D. Cessor, et al.

Original application of Fannie D. Cessor et al., to the Dawes Commission for identification as Mississippi Choctaws.....	1
Original application of Daisy McGhee et al., for identification as Mississippi Choctaws, to the Dawes Commission.....	6
Testimony of Dick Scott.....	8
Decision of the Commission refusing the applications in the consolidated case of Fannie D. Cessor, et al., for identification as Mississippi Choctaws.....	12

))))))))))

4570

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 17, 1902.

In the matter of the application of Fannie D. Cessor for the identification of herself and four minor children, Cassanders, Maceo, Frank V., and Edwine, as Mississippi Choctaws.

Appearances:

S. A. Beadle, Attorney for Applicant.  
A. W. Jones, Agent for Applicant.

Fannie D. Cessor, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Fannie D. Cessor.  
Q How old are you? A Twenty seven.  
Q How much Choctaw blood have you? A One quarter.  
Q What's your post office address? A Yazoo City.  
Q How long have you lived in Yazoo County? A All my life.  
Q Is your father living? A Yes, sir.  
Q What's his name? A James Vaughn.  
Q Mother living? A No, sir.  
Q What was her name? A Phyllis Polk.  
Q Through which one of your parents did you get your Choctaw blood?  
A Mother.  
Q How long has she been dead? A Three years.  
Q How old was she when she died? A About fifty five.  
Q Where was she born? A Holmes County.  
Q T is State? A Yes, sir.  
Q How long did she live there? A I don't know, sir, how long she lived there, exactly; she moved from there to Yazoo County.  
Q Lived at Yazoo the rest of her life? A Yes, sir.  
Q You claim she was a half blood Choctaw, do you? A Yes, sir.  
Q Could she speak or understand the Choctaw language? A Yes, sir.  
Q Did she speak it fluently, or did she just speak a few words?  
A I used to hear her speak words, but she didn't use it all the time.  
Q Through which one of her parents did she get her Choctaw blood?  
A From her mother.  
Q According to your statement, her mother was a full blood Choctaw?  
A yes, sir.  
Q What was her name? A Julia.  
Q What else? A Julia Polk.  
Q How long has she been dead? A I don't remember how long she has been dead.  
Q Did you ever see her? A No, sir.  
Q Where was she born? A She was born in Holmes County.  
Q Lived there all her life? A Yes, sir.  
Q Do you know the name of either one of her parents? A No, sir, I don't remember either one of their names.  
Q How do you know your grand mother, Julia, was a full blood Choctaw? A I heard my mother and father say that she was.

Fannie D. Cessor, et al., 2.

- Q Did she have an Indian name? A Not that I know of.
- Q She was born, you are sure, in Holmes County? A Yes, sir.
- Q And lived there during herd entire life? A Yes, sir.
- Q Are you married? A Yes, sir.
- Q Husband living? A yes, sir.
- Q Has he any Choctaw blood? A No, sir.
- Q You make no claim for him? A No, sir.
- Q What's his name? A Edward Cessor.
- Q How many children have you living? A Four.
- Q What are their names and ages? A Cassanders he is eight.
- Q That's a boy? A yes, sir.
- Q Next one? A Maceo.
- Q That's a boy? A Yes, sir.
- Q How old? A Seven.
- Q Next one? A Frank V.
- Q How old? A He is three.
- Q Next one? A Edwin.
- Q How old? A One year old.
- Q Girl? A Yes, sir.
- Q That all of year children? A Yes, sir.
- Q Are they all living with you at this time? A Yes, sir.
- Q Are they all the children of yourself and Edward Cessor? A Yes, sir.
- Q Is your name or the name of any one of these children on any of the Choctaw tribal rolls in Indian Territory? A No, sir.
- Q Has any application of any description ever been made before today for yourself or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and four minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions of ever receive any benefits under that article? A No, sir.
- Q Did any of them own an improvement here in Mississippi and Alabama in what constituted the old Choctaw Nation? A No, sir.
- Q At the time this treaty was made? A No, sir.
- Q Did any of them in fact live here at that time? A My grand mother lived here.
- Q Julia Polk? A Yes, sir.
- Q Where did she live? A In Holmes County.
- Q Did any of your Choctaw ancestors remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1835 and 1838? A No, sir.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know, sir.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

Fannie D. Cessor, et al., 3.

Q Or under any other provision in that treaty? A No, sir.

Q Did any of them ever get any money from the Government? A No, sir.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land, under that article. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens and take land, and on this account, the Government at its ~~public~~ public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the Treaty of Dancing Rabbit Creek? A No, sir.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provision of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?

A No, sir, not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to

Fannie D. Cessor, et al., 4.

comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder?

A Yes, sir.

Q Who? A I have an old man back there.

Q Witness? A Yes, sir.

Q What's his name? A Doc Scott.

Q He is here today? A Yes, sir.

Q What do you think he knows about your case? A He knew my grand mother; I don't know whether he knowed whether they received anything or not. I don't know whether they did; I don't think they did.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidenceto offer at this time? A No, sir.

Q

If you should find any other witnesses whose testimony you desire to have taken by the Commission, in support of your application, they may appear before the Commission at any of its appointments here in Mississippi this winter or spring, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make? A No, sir.

Q Have you any sisters living? A Yes, sir.

Q How many? A Three.

Q What are their names? A Julia Green, Corinne Johnson.

Q Next one? A Daisy McGee.

Q Have any of them been before the Commission? A No, sir.

Q Are any of them here today? A One.

Q Which one? A Daisy McGee.

Q Any of your brothers living? A Yes, sir.

Q How many? A Three.

Q What are their names? A George Vaughn.

Q Next one? A Willie Vaughn and Frank Vaughn.

Q Have any of them been before the Commission? A No, sir.

Q Have you any brothers dead? A Yes, sir.

Q Any of them leave children? A No, sir.

Q Any sisters dead? A No, sir.

Q Are any of your mother's brothers living? A No, sir.

Q Any of her brothers dead who left children? A No, sir, not that I know of.

Q Any of your mother's sisters living? A No, sir.

Q Did she ever have any sisters? A She had some, but they are dead, I reckon.

Q Did any of them leave children? A No, sir.

Q Any of your grandmother's brothers or sisters or any of their children or grand children living? A No, sir, I don't know of any.

Q You don't speak or understand the Choctaw language? A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood largely predominates; her hair, however, is almost straight. She has none of the features of an Indian, and does not speak or understand the Choctaw language.)

Fannie D. Cessor, et al., v.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 15th day of February, 1902, at Meridian, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Seale, Mississippi, this 15th day of March, 1902.

*L. B. Mosely*

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

By

*J. M. ...*

Deputy.

1111  
C.W.  
(

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application of Fannie D. Gesser et al., for identification as Mississippi Choctaws, consolidating the applications of

Fannie D. Gesser, et al.,	M C R 4830
Daisy McGhee, et al.,	" 4831

--: 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 D. Gesser for herself and her four minor children, Cassanders, Macee, Frank V. and Mirvine Gesser, and by Daisy McGhee for herself and her two minor children, Macee K. and Ermintrude McGhee, under the following provision of the act of Congress of June 28, 1898 (30 Stats., 495):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between



the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Julia Polk, 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 none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear, from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty and to persons who heretofore were claimants thereunder, that the said Julia Polk, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 100), and August 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 D. Cessor, Cassanders Cessor, Maceo Cessor, Frank V. Cessor, Edwin Cessor, Daisy McGhee, Roscoe K. McGhee and Ermintrude McGhee as Choctaw Indians entitled 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.

*C. R. Beckwith*  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

OCT -6 1902

MCR 5291, 5266,  
4820, 4821, 4822,  
4812, 5257, 5256.

Muskogee, Indian Territory, September 13, 1902.

L. T. Miller,  
Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you ask to be advised of the present status of the following Mississippi Choctaw cases:

Consolidated case  
Harriet Washington et al., M C R 5291

Consolidated case  
Tom Wells et al., M C R 5266

Fannie D. Cesser et al., M C R 4820  
Daisy McGhee et al., M C R 4821  
Sophia Harrington et al., M C R 4822  
Dock Taylor, M C R 4812

Consolidated case  
Bettie Martin et al., M C R 5257

Consolidated case  
Adline Morrison et al., M C R 5256

Consolidated case  
Savery Morrison et al., M C R 5246.

You are hereby advised that in the consolidated case of Tom Wells et al., the Commission, on September 2, 1902, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in this consolidated

L. T. W.--2.

case, and on the same date notified the several applicants therein of such decision and of the forwarding of the record to the Secretary of the Interior for review.

In the other cases the Commission has not up to this time rendered any decision or opinion relative to the right of the several applicants therein to be identified as Mississippi Choctaws but the Commission is now considering the several cases and it is probable that a decision will be rendered in the near future. Upon the rendition of such decision 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.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, October 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Fannie D. Cessor, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 6th, 1902.

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

Fannie D. Cessor, et al.,	M.C.R. 4820
Daisy McGhee, et al.,	" 4821

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

Respectfully,

Acting Chairman.

Through the Commissioner  
of Indian Affairs.  
1 inclosure.

Muskogee, Indian Territory, October 6, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 6th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Fannie D. Cessor, et al., embracing the following applications for identification as Mississippi Choctaws:

Fannie D. Cessor, et al.,	M.C.R. 4820
Daisy McGhee, et al.,	" 4821

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie D. Cessor, Cassanders Cessor, Maceo Cessor, Frank V. Cessor, Edwine Cessor, Daisy McGhee, Roscoe K. McGhee and Kraintrude McGhee as Choctaw Indians entitled to rights in the

M. MEM. & C. No. 2.

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,

Acting Chairman.

Muskogee, Indian Territory, October 6, 1902.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 6th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Fannie D. Cessor, et al., embracing the following applications for identification as Mississippi Choctaws:

Fannie D. Cessor, et al.,	M.C.R. 4820
Daisy McGhee, et al.,	" 4821

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats. 495) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie D. Cessor, Cassanders Cessor, Maceo Cessor, Frank V. Cessor, Edwin Cessor, Daisy McGhee, Roscoe K. McGhee and Ermintrude McGhee as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the

A.W.J. No. 2.

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,

*James D. [unclear]*  
Acting Chairman.

Registered.



Muskogee, Indian Territory, October 6, 1902.

S. A. Readle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Fannie D. Cessor, et al., embracing the following applications for identification as Mississippi Choctaws:

Fannie D. Cessor, et al.,	M.C.R. 4820
Daisy McGhee, et al.,	" 4821

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 Fannie D. Cessor, Cassanders Cessor, Maceo Cessor, Frank V. Cessor, Edwine Cessor, Daisy McGhee, Roscoe K. McGhee and Ermintrude McGhee as Choctaw Indians entitled 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.

S. A. B. No. 2.

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,

Acting Chairman.

Registered.

Muskogee, Indian Territory, October 6, 1902.

Fannie D. Cessor,  
Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 6th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Fannie D. Cessor, et al., embracing the following applications for identification as Mississippi Choctaws:

Fannie D. Cessor, et al.,	M.C.R. 4820
Daisy McGhee, et al.,	" 4821

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie D. Cessor, Cassanders Cessor, Maceo Cessor, Frank V. Cessor, Edwin Cessor, Daisy McGhee, Roscoe E. McGhee and Ermintrude McGhee as Choctaw Indians entitled to rights in the

P. D. C. No. 2.

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

You are further advised that 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,

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 16, 1903.

Fannie D. Cessor,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 6th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fannie D. Cessor, et al., of which decision you were advised by registered mail on the 6th day of October, 1902.

Respectfully,

Commissioner in charge.

Muskogee, Indian Territory, January 16, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby notified that on the 6th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fannie D. Gessor, et al., of which decision you were advised by mail on the 6th day of October, 1902.

Respectfully,

Commissioner in Charge.

COPY

L.C.P. 4820

Muskogee, Indian Territory, January 16, 1903.

S. A. Beadle,

Attorney at law,

Jackson, Mississippi.

Dear sir:

You are hereby notified that on the 6th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fannie D. Cessor, et al., of which decision you were advised by registered mail on the 6th day of October, 1902.

Respectfully,

Commissioner in charge.

Muskogee, Indian Territory, January 16, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fannie D. Cesser, et al., of which decision you were advised by registered mail on the 6th day of October, 1902.

Respectfully,

*I. D. McCallie.*

Commissioner in charge.



REFER TO M. C. R. 1820

1820

1820

Julia Polk, full

Phyllis Polk  
married  
James Vaughn

Dead

<sup>McK</sup>  
<sup>4820</sup>  
Fannie D Vaughn 27/4  
married  
Edward Cessor

Julia Vaughn  
married  
McGee

Corinne Vaughn  
married  
Johnson

George Vaughn

Willie Vaughn

Frank Vaughn

<sup>McK</sup>  
<sup>1821</sup>  
Daisy Vaughn 19/4  
married  
Joe McGhee

<sup>McK</sup>  
<sup>4820</sup>  
Cassanders Cessor 8  
Maceo Cessor 7  
Frank V. Cessor 3  
Edwine Cessor 1

<sup>McK</sup>  
<sup>4821</sup>  
Roscoe K McGhee 1  
Eromatruide McGhee 2 mos

No.

1820

For Identification as a Mississippi Choctaw.

*Meredith*  
Name *Miss* Date FEB 17 1902

Name of *Fannie D. Cessor*

Age *27* Blood *1/4*

Post Office, *Yazoo City, Miss.*

Father: *James Hughson S*

Mother: *Phyllis Polk D*

Claims through *mother*  
husband: *Edward Cessor L*  
*No claim for him.*

*Gains for self*

Children:

<i>Cassanders</i>	<i>Cessor</i>	<i>(M)</i>	<i>8</i>
<i>Maceo</i>	"	<i>(M)</i>	<i>7</i>
<i>Frank V.</i>	"		<i>3</i>
<i>Edwine</i>	"	<i>(F)</i>	<i>1</i>

*Mother's name, ultra*

Stenographer

*R. S. Street*

Choctaw MCR 4821

Daisy McGhee

See MCR 4820

MCR 4821

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 17, 1902.

In the matter of the application of Daisy McGhee for the identification of herself and two minor children, Roscoe K., and Ermintrude, as Mississippi Choctaws.

Appearances:

S.A. Beadle, Attorney for Applicant.  
A.W. Jones, Agent for Applicant.

Daisy McGhee, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Daisy McGhee  
Q How old are you? A Nineteen.  
Q How much Choctaw blood have you? A One quarter.  
Q What's your post office address? A Yazoo City.  
Q How long have you lived in Yazoo County? A All my life.  
Q Is your father living? A Yes, sir.  
Q What's his name? A James Vaughn.  
Q Mother living? A No, sir.  
Q What was her name? A Phyllis Polk.  
Q Through which one of your parents did you get your Choctaw blood?  
A Mother.  
Q What relation are you to Fannie D. Cessor? A Sister.  
Q Where was your mother born? A ~~Miss~~ Holmes County.  
Q Did she live in this State all her life? A Yes, sir.  
Q Through which one of her parents did she get her Choctaw blood?  
A Mother.  
Q Did you know her mother? A No, sir.  
Q How much Choctaw blood did she have? A She was whole Indian.  
Q What was her name? A Julia Polk.  
Q What kind of an Indian was she? A Choctaw.  
Q What makes you think that? A She told me so.  
Q Who? A My mother and other people that knew her.  
Q Where did she live during her life time? A Holmes County.  
Q All her life? A Yes, sir.  
Q Was she born there? A Yes, sir.  
Q Do you know the name of either one of her parents? A No, sir.  
Q Are you married? A Yes, sir.  
Q Husband living? A Yes, sir.  
Q Any Choctaw blood? A No, sir, not that I know of.  
Q What's his name? A Joe McGhee  
Q You make no claim for him? A No, sir.  
Q How many children have you? A Two.  
Q What are their names and ages? A Roscoe K.  
Q How old? A He is one year old.  
Q Next one? A Ermintrude.  
Q Is that a boy or girl? A Girl.

Daisy McGee, et al., 2.

- Q How old is she? A Two months old.
- Q Is that all of your children? A Yes, sir.
- Q These children living with you at this time? A Yes, sir.
- Q Are they all the children of yourself and Joe McGhee? A Yes, sir.
- Q This application, then, is for yourself and two minor children? A Yes, sir.
- Q Is your name, or the name of any one of these children, on any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
- Q Has any application of any description ever been made before today for you for the purpose of establishing your rights as a Choctaw Indian? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, Indian Territory, for these two minor children and yourself under the 14th article of the Treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand that 14th article? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A Not that I know of.
- Q Did any of your ancestors own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir.
- Q Did any of them ever live here at that time? A Yes, sir.
- Q What one of them? A Grand mother.
- Q Julia Polk? A Yes, sir.
- Q Where did she live? A Holmes County.
- Q Did any of your Choctaw ancestors remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No, sir.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A Don't know.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.
- Q Any of them ever let any land under any other provision in that treaty? A No, sir.
- Q Did any of them ever get any money from the Government? A No, sir.
- Q You heard the explanation to your sister during her examination as to the causes which brought about certain Acts of Congress between the years 1833 and 1842 with reference to the hearing of Choctaw claims under this 14th article of the treaty of Dancing Rabbit Creek, and the provisions of those Acts, did you not? A Yes, sir.
- Q Did any of your ancestors appear before any of the Commissioners appointed under those Acts of Congress and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q Did any of them ever get any scrip from the Government under the Act of Congress approved August 23, 1842? A No, sir.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing

Daisy McGhee, et al., 3.

Rabbit Creek, or ever received any benefits thereunder? A Yes, sir.

Q Who would know about that? A I don't know whether they would know about that or not.

Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any witnesses here today?? A Yes, sir.

Q How many? A One.

Q What's his name? A Dick Scott.

Q Have you any written evidence of a ny kind to offer ? A No, sir.

Q What does Dick Scott know about your case? A He knows about my grand mother.

Q What does he know about her? A He knows she was born in the State of Mississippi; you will have to ask him the rest.

Q Any further statements you want to make at this time? A No, sir.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission at any one of its appointments here in Mississippi this winter or spring, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any sisters living? A Yes, sir.

Q What are their names? A Corinne Johnson, and Julia Green

Q Next one? A Fannie D. Cessor.

Q Who appeared here this morning? A Yes, sir.

Q Any brothers living? A Yes, sir.

Q How many? A Three.

Q What are their names? A George Vaughn.

Q Next one? A Willie.

Q Next one? A Frank.

Q You don't speak or understand the Choctaw language? A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood in which the negro blood largely predominates; her hair, however, is almost straight. She has none of the features of an Indian and does not speak or understand the Choctaw language.)

(Applicant excused.)

Dick Scott, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Dick Scott.

Q How old are you? A About seventy, I reckon.

Q What's your post office address? A Yazoo City, Mississippi.

Daisy McGhee, et al., 4.

- Q How long have you lived in Yazoo County? A I have been living there ever since during the war.
- Q Were you a slave? A Yes, sir.
- Q Have you lived in Mississippi all your life? A Yes, sir.
- Q What's your occupation? A I work around the house.
- Q Are you acquainted with the applicants, Daisy McGhee and Fannie D. Cessor? A Yes, sir.
- Q How long have you known them? A Known them ever since they was ch children pretty well.
- Q Are they any kin to you? A No, sir.
- Q Are you interested in any way in the result of their applications? A No, sir.

By Commission:

What do you want t prove by this witness?

By A.W. Jones:

The identification of the grand mother.

By Commission:

Does he know whether any of the ancestors of any of these applicants ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing, or ever received any benefits thereunder?

By A.W. Jones:

No, sir, he don't know anything about that.

By Commission:

- Q Were you acquainted ith the father and mother of these girls? A No, sir, not either.
- Q Did you know their mother? A Yes, sir.
- Q What was her name? A She's named Julia.
- Q The mother of these two girls? A Well Julia, now.
- Q Now, Daisy and Fannie's mother, did you know her? A Yes, sir, I knowed the mother.
- Q How long has she been dead? A Since the war; I couldn't tell you exactly how long.
- Q Well, she must have died a considerable time since the war, because one of these girls is only nineteen years old? A I don't know.
- Q Did you ever know a woman by the name of Phyllis? A Yes, sir.
- Q What kin is she to these girls? A Their mother.
- Q When did she die? A She died since the war. Well, I think the war was going on.
- Q When Phyllis died? A Yes, sir, as near as I can think of it.
- Q Where did she live? A In Holmes County.
- Q What other name did Phyllis have? A Phyllis Polk.
- Q How old would Phyllis be if she were living now? A That's some thing I don't know.
- Q Was she older or younger than you are? A She was younger than I am; I think I was a little the oldest.
- Q How old did you say these girls were when you first knew them? A I declare I don't know particularly, because I couldn't tell that.
- Q You can't remember how old that were? A Half grown.
- Q Was their mother Phyllis living when you got acquainted with them? A Yes, sir.



Then she has not been dead since the war, has she? A I think she died during the war, I think.

Q Did you know the mother of Phyllis? A Yes, sir she was a Indian woman.

Q What was her name? A Named Julia Polk.

Q She was Phyllis' mother? A Yes, sir.

Q These girls mother's mother? A Yes, sir, these girls mother.

Q Julia was these girls mother? A Yes sir, I said that these girls mother was the mother of this Indian woman.

Q She was the grand mother of them? A Yes, sir.

Q Of these girls? A Yes, sir.

Q Julia was these girls grand mother? A Yes, sir.

Q What was their mother's name? A Phyllis.

Q How old would Julia be if she were living now? A I think she would be - I couldn't tell you exactly.

Q Was she older or younger --? A I was a little the oldest.

Q How old was Julia when you first knew her? A I reckon she was about ten - I couldn't tell you.

Q Were you both children then, when you got acquainted with her?

A I was a boy.

Q Where did you know her? A I knowed her in Holmes County.

Q Did she have any Choctaw blood? A Yes, sir.

Q How much? A She had, I think, about half. The grand mother was fully I think she had about half.

Q Who had half? A I am talking about these girls mother.

Q What was her name then? A That was Phyllis.

Q I want to know how much Choctaw blood Julia had, the mother of Phyllis? A She was full.

Q Sure of that, are you? A Yes, sir, because I know she was.

Q Was she older or younger than you? A She was older.

Q How much older? A I don't suppose but one or two years.

Q Where did you first get acquainted with her? A Where I was living in Holmes County there.

Q Was Phyllis a slave? A No, sir, she was not; she had a husband she was a slave, but she wasn't.

Q Well, could Phyllis talk the Choctaw language? A Yes, sir.

Q Could Julia talk the Choctaw language? A Yes, sir, she could talk anyway a man wanted her to talk; use any kind of language.

Q Do you know where Julia was born? A She was born in Holmes County.

Q How do you know? A I lived there; I was born there myself; bred and born in Mississippi; she died on the plantation where I was living. I was small, but I know she died there right on the place; her husband buried her there on the place.

Q Her husband was a slave? A Yes, sir.

Q Did Julia have a Choctaw name? A Yes, sir.

Q What was it? A Choctaw name? A

Q Yes? A No more than said she was a Choctaw, is all I can tell you.

Q Did she have any Choctaw name at all? A No, sir, just straight Choctaw out and out; she told me she was a full blood Choctaw.

(This witness is apparently a full blood negro. His statements are contradictory, and it would seem that his mind is not sound.)

Daisy McGhee, et al., 8.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 17th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Seale, Mississippi, this 15th day of March, 1902.

*L. B. Mosley*

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

By *[Signature]*

Deputy.

MCR 5291, 5268,  
4820, 4821, 4822,  
4812, 5257, 5256.

Muskogee, Indian Territory, September 13, 1902.

L. T. Miller,  
Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you ask to be advised of the present status of the following Mississippi Cheetaw cases:

Consolidated case  
Harriet Washington et al., M C R 5391

Consolidated case  
Tom Wells et al., M C R 5268

Fannie D. Cessor et al., M C R 4820  
Daisy McChae et al., M C R 4821  
Sophia Harrington et al., M C R 4822  
Dock Taylor, M C R 4812

Consolidated case  
Bettie Martin et al., M C R 5257

Consolidated case  
Adline Morrison et al., M C R 5256

Consolidated case  
Savery Morrison et al., M C R 5246.

You are hereby advised that in the consolidated case of Tom Wells et al., the Commission, on September 2, 1902, rendered its decision refusing the application for identification as Mississippi Cheetaws of the several persons included in this consolidated

L. T. M.--2.

case, and on the same date notified the several applicants therein of such decision and of the forwarding of the record to the Secretary of the Interior for review.

In the other cases the Commission has not up to this time rendered any decision or opinion relative to the right of the several applicants therein to be identified as Mississippi Choctaws but the Commission is now considering the several cases and it is probable that a decision will be rendered in the near future. Upon the rendition of such decision 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.

Yours truly,

Acting Chairman.

Muskegee, Indian Territory, October 6, 1902.

Daisy McGhee,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 6th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Fannie D. Cessor, et al., embracing the following applications for identification as Mississippi Choctaws:

Fannie D. Cessor, et al.,	M.C.R. 4820
Daisy McGhee, et al.,	" 4821

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie D. Cessor, Cassanders Cessor, Maceo Cessor, Frank V. Cessor, Edwine Cessor, Daisy McGhee, Roscoe K. McGhee and Ermintrude McGhee as Choctaw Indians entitled to rights in the

Y. D. C. No. 2.

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,

Acting Chairman.

Registered.

-:- COPY -:-

Land.  
60,361-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, Dec. 19, 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: Fannie D. Cessor for herself and her four minor children, Cassanders, Maceo, Frank V. and Edwine Cessor, and Daisy McGhee for herself and her two minor children, Roscoe K. and Ermintrude McGhee, wherein a decision adverse to the applicants was rendered by the Commission October 6, 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 Julia Polk. The applicants claim that their ancestor was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The Commission rejected these parties because the name of their ancestor through whom they claim did not appear among the names of those who complied or attempted to comply with the pro-

visions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of the party from whom these applicants claim descent, and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

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

Very respectfully,

W. A. Jones,  
Commissioner.

(E.B.H.)

P.



-- COPY --

D.C. 778

EAF.

IED.7941-1902.

DEPARTMENT OF THE INTERIOR,

L.R.S.

WASHINGTON.

January 6, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

October 6, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Fannie D., Cassanders, Maceo, Frank V. and Edwine Cessor; and of Daisy, <sup>Roscoe</sup> K. and Ermintrude McGhee.

The applicants endeavor to trace their descent from one Julia Polk, alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Julia Polk 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 ( 5Stat., 180), and August 23, 1842 ( 5 Stat., 513).

You refused the applications October 6, 1902.

The Commissioner of Indian Affairs forwarded the papers December 19, and recommended that your decision be approved. A copy of his letter is inclosed. Having carefully reviewed the entire record the Department hereby affirms the decision rendered.

Respectfully,

Thos. Ryan,

1 inclosure.

Acting Secretary.

Muskogee, Indian Territory, January 16, 1903.

Daisy McGhee,

Yazoo City, Mississippi

Dear Madam:

You are hereby notified that on the 6th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fannie D. Gessor, et al., of which decision you were advised by registered mail on the 6th day of October, 1902.

Respectfully,

*T. E. Jones*  
Commissioner in Charge.

#1832

No.

4831

# For Identification as a Mississippi Choctaw.

Meridian  
Miss Date

Name *Aussy McGhee*

Age *19* Blood *1/4*

Post Office, *Yazoo City, Miss.*

Father: *James Vaughn L*

Mother: *Thyllis Falk d*

Claims through mother  
*husband*  
*Joe McGhee*  
*No claim for Sam*

Claims for ... Children

Children:

*Rose & K. McGhee 1*

*Ermintrude " F 2 MO.*

mother's name

Stenographer

*R. S. Strick*

Choctaw MCR 4822

Sophia Harrington

MCR 4822

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

-----o-----

In the matter of the application of Sophia Harrington,  
et al., for identification as Mississippi Choctaws, M.C.R. 4822.

-----I N D E X -----

List of papers forwarded to the Secretary of  
the Interior, comprising the record in the case of  
Sophia Harrington, et al., M.C.R. 4822.

	page
Original application of Sophia Harrington, et al., to the Dawes Commission for identification as Mississippi Choctaws. -----	1
ex-parte affidavit of Joesies Jackson and Mary Jane Clark. -----	6
Decision of the Commission refusing the appli- cation of Sophia Harrington, et al., for identification as Mississippi Choctaws. -----	7

-----o-----

4874  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 17, 1902.

In the matter of the application of Sophia Harrington, for the identification of herself and three minor children, Bettie L., Carrie B., and John W. Harrington, and minor orphan sister, Mary Gibson, as Mississippi Choctaws.

Appearances:

S.A. Beadle, Attorney for Applicant.  
A.W. Jones, Agent for Applicant.

Sophia Harrington, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q How old are you? A Thirty nine years old, the 12th of this next month.
- Q How much Choctaw blood have you? A One quarter.
- Q What's your post office address? A Yazoo City, Mississippi.
- Q How long have you lived in Yazoo County, Mississippi? A Twelve years.
- Q Where did you live before that? A In Atalla County.
- Q How long? A All my life.
- Q Is your father living? A No, sir.
- Q What was his name? A Dave Irish.
- Q Your mother living? A No, sir.
- Q What was her name? A Cynthia Shuler.
- Q Through which one of your parents did you get your Choctaw blood? A My mother.
- Q Was your mother a slave? A Yes, sir.
- Q Your father? A No, sir.
- Q What was he a white man? A Yes, sir.
- Q How much Choctaw blood did your mother have? A Half, she had half of Choctaw, but she was a full Indian, for her father was a black Creek Indian, and her mother was a Choctaw squaw.
- Q Where was she born? A In Atalla County.
- Q Lived there all her life? A Yes sir.
- Q Through which one of her parents did she get her Choctaw blood? A Mother.
- Q What was her mother's name? A Sophia Shuler.
- Q You say Sophia was a full blood Choctaw? A Yes, sir.
- Q Did you ever see her? A No, sir.
- Q What makes you think she was a full blood Choctaw? A My mother told me so, and my mother's brother.
- Q Where was Sophia born? A In Choctaw County, somewhere.
- Q Did she live in this State all her life? A Yes, sir.
- Q Do you know the name of her father or her mother? A No, sir.
- Q How old would your mother be if she were living now? A Fifty three years old; she's been dead thirteen years.
- Q How old would your grand mother be if she were living now? A About ninety years old; she has been dead forty years, and was fifty years old when she died.

Sophia Harrington, et al., 2.

- Q Did she have any name besides Sophia Shuler? A I don't know.
- Q Sis your mother speak or understand the Choctaw language? A Yes, sir, my mother could talk and understand it.
- Q Any of your people ever live in Indian Territory? A No, sir.
- Q Are you married? A Yes, sir.
- Q Husband living? A Yes, sir.
- Q Has he any Choctaw blood? A No, sir.
- Q You make no claim for him, then? A No, sir.
- Q What's his name? A John Harrington.
- Q How many children have you living? A Four, three under age.
- Q What are the names and ages of those children? A Bettie L. Harrington, eleven.
- Q Next one? A Carrie B., nine.
- Q Next one? A John W., seven years old.
- Q That's all is it? A Yes, sir.
- Q Are these children all living with you at this time? A Yes, sir.
- Q Are they all the children of yourself and John Harrington? A Yes, sir, I have a little sister whom I want to make application for.
- Q What's the name of your sister? A Mary Gibson.
- Q How old? A Twelve years old.
- Q Is she your full sister? A No, sir.
- Q Did she have the same mother as you? A Yes, sir.
- Q What was the name of her father? A Named Dennis Gibson.
- Q Did he have any Choctaw blood? A No, sir.
- Q What was his blood? A He was a negro, I reckon, Africa, or something.
- Q Is he dead? A Yes, sir.
- Q How long has this child been living with you? A Ever since my mother died, three years ago.
- Q Have you been legally appointed guardian by the Courts? A No, sir.
- Q You support and maintain her the same as you do your own children? A Yes, sir, no one else ever took care of her.
- Q This application, then, is for yourself and three minor children, and one minor orphan sister? A Yes, sir.
- Q Is your name, or the name, of any one of these children, or the name of this minor sister, on any of the Choctaw tribal rolls in Indian Territory? A No, sir.
- Q Has any application of any description ever been made before today for you or any one of these children? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three children and one minor sister, under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir, I think so.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A Not as I knows of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty of Dancing Rabbit Creek was made? A Not as I knows of.
- Q Did any of them, in fact, live here at that time? A My grand mother must have been living here.
- Q Where? A She lived in Choctaw County, Mississippi, I believe.
- Q Did any of your Choctaw ancestors remove to the present Choctaw

Sophia Harrinton, et al., 3.

Nation, in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A I don't know, sir.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government, here in Mississippi for the Choctaws now that they wanted to stay here and become citizens of the States and take land? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under the 14th article of the treaty of Dancing Rabbit Creek? A None that I know of.

Q Any of them ever get any money from the Government? A No, sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1835 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I never have heard of it.

An Act of Congress approved on the 23rd day of August 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with 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 in the place of the land sold by the Government, land some place else here in Mississippi, or Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.



Sophia Harrington, et al., 4.

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

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.

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

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A Yes, sir.

The joint affidavit of Josiah Jackson and Mary Jane Clark are offered in evidence, identified as Exhibit "A", filed, and made a part of the record in this case.

Q Is that all? A Yes, sir.

Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission at any of its appointments here in Mississippi this winter or spring, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make? A No, sir.

Q Have you any sisters living besides the one for whom you make application? A One.

Q What's her name? A Jennie Clark.

Q Has she been before the Commission? A No, sir.

Q Have you any brothers living? A Yes, sir.

Q How many? A Four.

Q What are their names? A One named Will Arms.

Q Next one? A Walter Williams.

Q Next one? A Griffin Williams and Ross.

Q Have any of them been before the Commission? A No, sir.

Q Have you any brothers or sisters dead who left children? A No, sir.

Q Any of your mother's brothers or sisters living? A Two brothers she didn't have any sisters.

Q Are those brothers by the same mother as your mother? A Yes, sir.

Q What are their names? A One named William Henry Irish, and one named Henderson Irish.

Q Have either of them been before the Commission? A No, sir.

Q Has your mother any brothers dead? A No, sir, got one, I don't know whether he is dead or not. His name is Houston; I don't know where he is; I haven't seen him for twenty years. My grand mother didn't have but four children.

Q Any of your grand mother's brothers or sisters, or any of their children living? A I never knew of any.

Q You don't speak or understand the Choctaw language? A No, sir.

Sophia Harrington, et al., 5.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood largely predominates; her hair, however is almost straight. She has none of the features of an Indian, and does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 17th day of February, 1902, at Meridian, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Seale, Mississippi,  
this 15th day of March, 1902.

*L. B. Massey*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.

D.W.L.  
C.W.

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

In the matter of the application of Sophia Harrington,  
et al., for identification as Mississippi Choctaws, M.C.R. 4922.

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

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Sophia Harrington, for herself and her three minor children, Bettie L., Carrie B. and John W. Harrington, and for her minor orphan sister, Mary Gibson, 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 Sophia (or Sophie) Shular (or Shular), who is alleged to have been a full blood Choctaw Indian.

It further appears, from the evidence submitted in sup-

port 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 Sophia (or Sophie) Shuler (or Shular) or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 160) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sophia Harrington, Bettie L. Harrington, Carrie B. Harrington, John W. Harrington and Mary Gibson as Choctaw Indians entitled to rights

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

*[Signature]*  
Acting Chairman

BY

*[Signature]*  
Commissioner

BY

*J. R. Brockmridge.*

Commissioner

Muskogee, Indian Territory

NOV -1 1902

MER 5291, 5268,  
4820, 4821, 4822,  
4818, 5257, 5256.

Muskogee, Indian Territory, September 13, 1902.

L. T. Miller,

Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you ask to be advised of the present status of the following Mississippi Cheetaw cases:

Consolidated case  
Harriet Washington et al., M C R 5291

Consolidated case  
Tom Wells et al., M C R 5268

Fannie D. Cesser et al., M C R 4820  
Daisy McGhee et al., M C R 4821  
Sophie Harrington et al., M C R 4822  
Dock Taylor, M C R 4818

Consolidated case  
Bettie Martin et al., M C R 5257

Consolidated case  
Adline Morrison et al., M C R 5256

Consolidated case  
Savery Morrison et al., M C R 5246.

You are hereby advised that in the consolidated case of Tom Wells et al., the Commission, on September 2, 1902, rendered its decision refusing the application for identification as Mississippi Cheetaws of the several persons included in this consolidated

L. T. M.--2.

case, and on the same date notified the several applicants therein of such decision and of the forwarding of the record to the Secretary of the Interior for review.

In the other cases the Commission has not up to this time rendered any decision or opinion relative to the right of the several applicants therein to be identified as Mississippi Choctaws but the Commission is now considering the several cases and it is probable that a decision will be rendered in the near future. Upon the rendition of such decision 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.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, November 1, 1902.

Mansfield, McFurray & Cornish,

Attorneys for 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 Sophia Harrington, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 20, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sophia Harrington, Bettie L. Harrington, Farris L. Harrington, John W. Harrington and Mary Gibson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that 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



M. MoM. & C.-----2

through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, November 1, 1902.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 1st day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sophia Harrington, et al., applicants to the Commission for identification as Mississippian Choctaws.

This application was made under the provision of the act of Congress of June 24, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and 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 Sophia Harrington, Lettie L. Harrington, Carrie E. Harrington, John W. Harrington and Sam Gibson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which

A. W. J.-----2.

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

Respectfully,

Registered.

Acting Chairman.

M.C.R. 4822,

Muskogee, Indian Territory, November 1, 1902.

S.A. Beadle,

Attorney-at-Law,

Jackson, Mississippi.

Dear Sir:-

You are hereby advised that on the 1st day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sophia Harrington, 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 Sophia Harrington, Bettie L. Harrington, Carrie B. Harrington, John W. Harrington and Mary Gibson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case

S. A. B.-----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,

Registered.

Acting Chairman.

Muskogee, Indian Territory, November 1, 1902.

Sophia Harrington,  
Yazoo City, Mississippi.

Dear Madam:

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 Sophia Harrington, 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 Sophia Harrington, Bettie L. Harrington, Carrie B. Harrington, John W. Harrington and Mary Gibson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

S. H.-----2.

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

Respectfully,

---

Registered.

Acting Chairman.

COPY.

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Sophia Harrington, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of November 1st, 1902.

The Commission has the honor to report that the principal applicant herein, her attorneys of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 4822.



C O P Y

Land  
69,876-1902

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

WASHINGTON, Jan. 24, 1903

The Honorable

The Secretary of the Interior

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application of Sophia Harrington, et al., for identification as Mississippi Choctaws. The parties claiming identification are as follows: Sophia Harrington for herself and her three minor children, Bettie L., Carrie B. and John W. Harrington and for her minor orphan sister, Mary Gibson, wherein a decision adverse to the applications was rendered by the commission on November 1, 1902.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Sophia (Harrington) Shuler. They claim that their ancestor was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the name of their ancestor through whom they claim did not appear among the

names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Sophia (Harrington) Shuler, and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

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

Very respectfully,

(E. B H )

Commissioner

P

C O P Y

D.C. 4561

DEPARTMENT OF THE INTERIOR

EAF

WASHINGTON

I TD. 1058-1903

February 11, 1903

L.R.S.

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

Gentlemen:-

November 17, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of Sophia Harrington and her minor children, Bettie L., Carrie B. and John W. Harrington, and her minor orphan sister, Mary Gibson, including your decision of November 1, 1902, adverse to the applicants.

They claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Sophia (or Sophie) Shuler (or Shuler), who is alleged to have been a full 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 Sophia Shuler or an ancestor less remote complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat. 180) and August 23, 1842 (5 Stat. 513).

-2-

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

Having carefully reviewed the whole record and found no reason to modify your decision, it is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary

1 inclosure

Muskogee, Indian Territory, February 24, 1903.

A. W. Jones, Agent,  
Muskogee, 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 case of Sophia Harrington, et al., of which decision you were advised by registered mail on the 1st day of November, 1902.

Respectfully,

*James L. ...*  
Chairman.

Muskogee, Indian Territory, February 24, 1903.

S. A. Beadle,  
Attorney at Law,  
Jackson, Mississippi.

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 case of Sophia Harrington, et al., of which decision you were advised by registered mail on the 1st day of November, 1902.

Respectfully,

*J. M. ...*  
Chairman.

Muskogee, Indian Territory, February 24, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby notified that on the 11th day of 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 case of Sophia Harrington, et al., of which decision you were advised by mail on the 1st day of November, 1902.

Respectfully,

Chairman.

Muskogee, Indian Territory, February 24, 1903.

Sophia Harrington,  
Yazoo City, Mississippi.

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 case of Sophia Harrington, et al., of which decision you were advised by registered mail on the 1st day of November, 1902.

Respectfully,

Chairman.



For Identification as a Mississippi Choctaw.

Meridian, Miss Date FEB 17 1902

Name Sophia Harrington

Age 38 Blood 1/4

Post Office, Yazoo City Miss.

Father: Dav Irish d

Mother: Cynthia Shuler 1/2 d

Claims through mother

husband John Harrington d  
no claim for husband

Claims as wife, 3 miles

Children, 4, one more than sister

Children:

Bettie L. Harrington 11

Carrie B. " 9

John W. " 7

Mary Gibson (1/4) 12

Father Dennis Gibson

Mother Cynthia Shuler

mother's mother Sophia Shuler

Stenographer

R. A. Street

Choctaw MCR 4823

Sophia Graves

MCR 4823

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

-----!-----

In the matter of the application of Sophia Graves for  
identification as a Mississippi Choctaw. M.C.R. 4823.

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

Original application of Sophia Graves to  
the Dawes Commission for identification  
as a Mississippi Choctaw.....1  
Testimony of Milton Stamps.....5  
Decision of the Commission denying the  
application of Sophia Graves for identi-  
fication as a Mississippi Choctaw.....8

-----!-----

4523  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, February 17, 1902.

In the matter of the application of Sophia Graves for  
identification as a Mississippi Choctaw.

Appearances:

S.A. Beadle, Attorney for Applicant.  
A.W. Jones, Agent for Applicant.

Sophia Graves, having been first duly sworn, upon her  
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Sophia Graves.  
Q How old are you? A About seventy five.  
Q How much Choctaw blood have you? A Half. My mother was full Injun  
Q What's your post office address? A Lucknow, Mississippi.  
Q What county? A Rankin County.  
Q How long have you lived in Rankin County? A Been living there  
for thirty years.  
Q Where did you live before that? A In Hinds County. Three miles  
from Jackson.  
Q Were you ~~xxx~~ born there? A Yes, sir.  
Q You have lived in this State all your life? A Yes, sir.  
Q Were you a slave? A No, sir.  
Q Is your father living? A No, sir, my father's dead.  
Q What was his name? A William Wattie.  
Q Did he have any Choctaw blood? A No, sir, he didn't have any;  
he was a white man.  
Q Is your mother living? A No, sir, my mother died when I was a  
child.  
Q What was her name? A Her name was Polly.  
Q Did she have any Choctaw blood? A Yes, sir.  
Q How much? A I reckon she was all Injun.  
Q Was she a slave? A No, sir, she wasn't a slave.  
Q You mean to say she was a full blood Choctaw Indian? A Yes,  
sir.  
Q Do you remember her? A I remember seeing her; I don't remember  
her very well; she died when I was a child.  
Q Could she speak the Choctaw language? A Oh! yes, sir.  
Q Can you? A No, sir, I couldn't. I wasn't thrown with them after  
her death.  
Q Where was she born? A She was born in Mississippi.  
Q Did she have any Choctaw name? A Her name was Delila McDonald.  
Q I thought you said it was Polly? A I mean Polly, but my own  
mother was named Delila.  
Q I am talking about your mother? A Her name was Delila.  
Q You said a while ago that you said Polly? A I thought you said  
grand mother.

Sophia Graves, 2.

- Q Did she live in Mississippi all her life? A Yes, sir.
- Q About how old was she when she died? A I reckon she was 45, maybe. I don't know whether she was that age, or not.
- Q Did she have any other name besides Delila? A No, sir, that's all the name I know of.
- Q Do you know the name of your mother's father or mother? A Yes, sir, my father's name was John.
- Q You mean your grand father? A Their names were John and Polly.
- Q Did you ever see either of them? A Not that I know of.
- Q You mean to say both of them were full blood Choctaws? A Yes, sir.
- Q Where did they live? A They lived in Mississippi. I don't remember the place.
- Q Did John have any other name? A McDonald, and Polly McDonald.
- Q You know nothing about them whatever? A No sir.
- Q What makes you think they were full blood Indians? A I heard they were. I know my mother was, I remember a little about her.
- Q Are you married? A My husband's dead.
- Q Have you any children under age? A No, sir.
- Q This application, then, is for yourself only? A Yes, sir.
- Q Is ~~any~~ your name on any of the Choctaw tribal rolls in Indian Territory? A I don't know anything about that.
- Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? 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 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand that 14th article? A I expect so.

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

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section

Sophia Graves, 3.

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

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek, do you think you understand it now? A I think so.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?

A No, sir, never received any.

Q Did any of your ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir.

Q Did any of them, in fact, live here at that time? A None that I know of.

Q Where were you living seventy one years ago? A I was living here in Mississippi.

Q Where? A About three miles from Jackson, Hinds County.

Q Was your mother living at that time too? A No, sir, my mother was dead at that time?

Q Were either of your grand parents living then? A No, sir, I lived with a white family after my mother's death.

Q How long before that time was it that your grand parents died?

A I don't know exactly; I couldn't tell you when; I knew very little about them.

Q Do you know how old you were when your mother died? A I reckon I was three or four years old when she died.

Q You don't know whether any of your people moved out to the present Choctaw Nation, in Indian Territory, when the greater portion of the Choctaw tribe moved out there between the years 1833 and 1838? A No, sir, I don't know.

Q Did any one of them within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A If they did, I don't know it.

Q Did you, or any of your people ever get any land from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

Q Did you, or any one of your ancestors ever get any money from the Government to your knowledge? A No, sir.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government of the

Sophia Graves, 4.

United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the Attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir.

Q Did any of your people to your knowledge? A No, sir.

Q You have never before received any benefits whatever as a Choctaw Indian? A No, sir.

Q And none of your people did to your knowledge? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits whatever thereunder? A No, sir, I don't know.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir, I don't know.

Q Have you any witnesses here to-day? A Yes, sir.

Sophia Graves, 5.

Q How many? A One.

Q What's his name? A Milton Stamps.

Q What does he know about your case? A He just knows me all my life nearly, about my age. Knows everything about me.

Q He doesn't know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits for you? A He knows that none of my people never got any benefits whatever.

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

Q Have you any written evidence to offer? A No, sir.

Q Have you any brothers or sisters living? A No, sir.

Q Did you ever have any brothers or sisters by your mother? A I never had but one sister, and she died, a child.

Q How many children have you living? A Six.

Q What are their names? A Mary Harper.

Q Next one? A William Graves, Thomas Graves and Robert Lowery Graves.

Q Next one? A Rosa Miller.

Q Next one? A James Graves.

Q Has any one of them been before the Commission? A No, sir.

Q Where do they live? A In Mississippi, at Jackson. I intended to have brought them up here, but they are all at work on the rail road, and I couldn't get hold of them.

Q Have you any children dead who left children? A No, sir.

Q Are any of your mother's brothers or sisters ~~afra~~ or any of their children or grand children living? A No, sir.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any one of the appointments of the Commission here in Mississippi this winter or spring, or within a reasonable time thereafter at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood; she does not speak or understand the Choctaw language.)

( Applicant excused.)

Milton Stamps, having been first duly sworn as a witness in behalf of the above named applicant, upon his oath testified as follows:

Examination by the Commission.

Q what is your name? A Milton Stamps.

Q How old are you? A Seventy eight years old- will be the 15th day of next August.



Sophia Graves, 6.

Q What's your post office address? A Jackson, Mississippi.

Q How long have you lived in the State of Mississippi? A All my life.

Q Were you a slave? A Yes, sir.

Q Are you acquainted with the applicant Sophia Graves? A Yes, sir, has been acquainted with them for forty or fifty years.

Q Where has she lived during your acquaintance with her? A She first lived in about three miles north of Jackson.

Q How old is Sophia? A I would take her to be about seventy years old; I couldn't say positively.

Q Was Sophia a slave? A No, sir, I can't say she was a slave, because she was only living when I became acquainted with her on a man's place by the name --

Q Did you know her parents? A I knowed her mother.

Q What was her name? A Lila.

Q How long has she been dead? A She's been dead sometime before the war, I can't tell how long, but before the war, some five or six years.

Q About how old were you when Lila died? A I was about thirty five or forty years old.

Q Did Lila have any Indian blood? A Yes, sir.

Q How much? A She was considered by me, and everybody else that knew her, that she was Injun woman, full blood Injun woman; lived in this country at the time of the taking away of the Indians.

Q Did she have any negro blood? A I don't know that she had any.

Q Was she a slave? A She was not to my knowing.

Q Where did you first know her? A In Hinds County, about three miles west of Jackson, living out there with a man by the name of Wattie.

Q How old were you when you first know this woman? A I suppose I must have been about between seventeen and eighteen years old; I don't know as I was that old, to tell the truth.

Q How old a woman was she at that time? A When you first met her? - Lila? A She was about thirteen years old.

Q I am not talking about Sophia; I am talking about her mother?

A She was not married; I was only - I knew her - I - she was between twenty and twenty one years old; It's been a long time you see.

Q You were about seventeen or eighteen? A Yes, sir, I don't know if I wasn't older than that; I was younger than that.

Q This applicant here claims to be about as old as you are? A (No answer.)

Q This applicant here claims to be about as old as you are, now?

A Yes, sir, I am seventy eight years old; that's my age.

Q Well, how much old are you than this applicant? A I suppose I am about twenty or twenty five years old than she is. Twenty or twenty five years older than her, and her mother was about, I suppose fifteen or twenty years older than me.

Q Are you sure that the mother of this woman who is before the Commission now giving her name as Sophia Graves was Delila, a full blood Choctaw woman, to whom you refer? A She is the daughter of her.

Q Do you know whether any of the ancestors of this applicant ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under it? A I do not.

Q Did any of this woman's people go out to the new nation when the Indians were moved out of this country? A That I don't know.

Q Well, Deliala died just a little while before the surrender?

A I am not certain about that; she died before the surrender, but

Sophia Graves, 7.

what time, I couldn't say. When the war come on I war traveling as a man from New Orleans, and I was out a year or two, and had my mother live in Jackson, and I was out a year or two.

Q Do you know the name of Delila's father, or of her mother? A No, sir, don't know that.

Q Are you interested in any way in the result of this application? A None in the world.

Q Are you any kin to this woman? A None in the world.

Q What's your occupation? A My occupation is carpenter by trade, but I have property in Jackson.

Q Do you know where Delila was born? A Well, I think she was born in Mississippi. She stopped here about at the time a man by the name of Jim Bowman was taking the Indians from here.

Q Where did she come from to Hinds county? A I think she come from out here somewhere's in Scott County where the Indians was.

(This witness is a negro of average intelligence.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 17th day of February, 1902, at Meridian, Mississippi and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Seale, Mississippi, this 17th day of March, 1902.

*L. B. Mosely*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *J. M. M.*

Deputy.

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

-----|-----

*C. W.  
C. v. W.*

In the matter of the application of Sophia Graves for  
identification as a Mississippi Choctaw. M.C.R. 4823.

--: 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 Sophia Graves for herself, under the following provision of the  
act of Congress approved June 28, 1898, (30 Stats., 495):

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

It also appears that said applicant claims rights in  
the Choctaw lands under article fourteen of the treaty between the  
United States and the Choctaw nation, concluded September twenty-  
seventh, eighteen hundred and thirty, by reason of being a descendant

(2).

of one Delila McDonald, who is alleged to have been a fullblood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

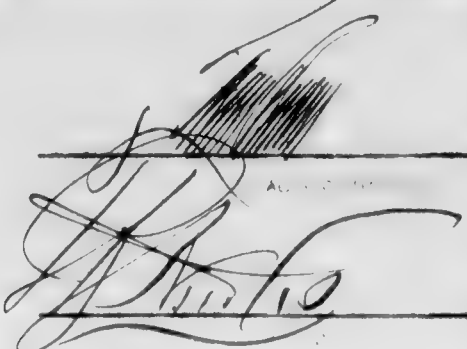
It further appears from the evidence offered in support of this application, that the applicant, Sophia Graves, is seventy-five years of age, and consequently was living as a child under ten years of age in eighteen hundred and thirty, and in order that she may be identified as a Mississippi Choctaw it is incumbent upon her to show on the part of herself, a compliance or an attempted compliance with the provisions of article fourteen of the "Treaty of Dancing Rabbit Creek." It does not appear, however, 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 Delila McDonald, or the applicant herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to

(3).

rights thereunder to either of the Commission 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 Sophia Graves as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the application for her identification as such should be refused and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
J. H. Smith  
\_\_\_\_\_  
C. R. Buckmaster  
\_\_\_\_\_

Muskegee, Indian Territory,

JUL 28 1902.

Muskogee, Indian Territory, July 28, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sophia Graves, an applicant for identification as a Mississippi Choctaw.

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

"Said Commission shall have authority to, determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision is as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sophia Graves as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of Article Fourteen of the Treaty of 1830, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this day, forwarded the record in this case to the Secretary of the

M., MO & C., 2.

Interior for review, and you will be informed in due time of such  
action as may be taken by him.

Yours truly,

SON.

W. F. ...

COPIES OVER IN CHARGE.

-MCR-4823-

Muskogee, Indian Territory, July 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Sophia Graves, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of July 20, 1902.

The Commission has the honor to report that the applicant, her attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been fully advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

*J. L. ...*

*...*

Through the

Commissioner of Indian Affairs.

1 enclosure.



Muskogee, Indian Territory, July 28, 1902.

Sophia Graves,

Lucknow, Mississippi.

Dear Madam:

You are hereby advised that on the 28th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sophia Graves, an applicant for identification as a Mississippi Choctaw.

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

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision is as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sophia Graves as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of Article Fourteen of the Treaty of 1830, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this day, forwarded the record in this case to the Secretary of the

S. G., 2.

Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

REGISTERED

*T. B. Hardie.*

Registered.

Muskogee, Indian Territory, July 28, 1902.

S. A. Beadle,

Attorney-at-Law,

Jackson, Mississippi.

Dear Sir:-

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sophia Graves, an application for identification as a Mississippi Choctaw.

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

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision is as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sophia Graves as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of Article Fourteen of the Treaty of 1830, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this day, forwarded the record in this case to the Secretary of the

S. A. B., 2.

Interior for review, and you will be informed in due time of such  
action as may be taken by him.

Yours truly,

*S. A. B.*

*T. B. J. Seelye.*

Register.

Muskogee, Indian Territory, July 28, 1902.

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 28th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sophia Graves, an applicant for identification as a Mississippi Choctaw.

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

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision is as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sophia Graves as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of Article Fourteen of the Treaty of 1830, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this day, forwarded the record in this case to the Secretary of the

A. W. J., 2.

interior for review, and you will be informed in due time of such  
action as may be taken by him.

Yours truly,

*T. B. ...*

COMMISSIONER IN CHARGE.

Registered.

D.C. 19874.

C o p y.

DEPARTMENT OF THE INTERIOR.

CMR.

W a s h i n g t o n, Oct. 22, 1902.

ITD 6372-1902.

L.R.S.

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

Gentlemen:

July 28, 1902, you transmitted the record in the matter of the application of Sophia Graves for identification as a Mississippi Choctaw, together with your decision dated July 28, 1902, denying her application.

Applicant claims descent through her mother, Delila McDonald, an alleged full blood Choctaw Indian.

The record fails to show that the applicant was ever duly admitted to citizenship in the Choctaw Nation, or that the said Delila McDonald 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 Acting Commissioner of Indian Affairs forwarded the record October 13, 1902, recommending the approval of your decision. A copy of his letter is inclosed herewith.

Upon a careful review of the whole case, the Department believes your decision should be affirmed and you are advised

--2--

accordingly.

Respectfully,

E. A. HITCHCOCK,

Secretary.

1 inclosure.

---



C o p y.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Land.  
45507--1902.

Washington, Oct. 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated July 28, 1902, from the Commissioner in Charge of the work of the Commission to the Five Civilized Tribes forwarding the record relative to the application of Sophia Graves for identification as a Mississippi Choctaw claiming rights under the 14th article of the treaty of 1830.

On July 28, 1902, the Commission held that the above named applicant was not entitled to identification.

The applicant in this case claims through her mother, Delila McDonald. John and Polly McDonald were her grand parents.

The applicant is not of full blood, and the records of the office do not show that any one by the name of Delila, John or Polly McDonald received a patent to land under the 14th article of the treaty of 1830; that they complied or attempted to comply with the provisions of 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.

--2--

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)

M.C.R. 4823

COPY.

Muskogee, Indian Territory, October 31, 1902.

Sophia Graves,

Lucknow, Mississippi.

Dear Madam:

You are hereby advised that on the 22nd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 28th day of July, 1902.

Respectfully,

*Samuel D. Doby*

Acting Chairman.

W.C.R 4823

COPY

Muskogee, Indian Territory, October 31, 1902.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 22nd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Sophia Graves, of which decision you were advised by registered mail on the 28th day of July, 1902.

Respectfully,

A. D.

George S. Gandy,  
Acting Chairman.

M. C. R. 4823

COPY

Muskogee, Indian Territory, October 31, 1902.

A. W. Jones,

A g e n t,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 22nd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Sophia Graves, of which decision you were advised by registered mail on the 28th day of July, 1902.

Respectfully,

  
Acting Chairman.

M.C.R. 4823

Muskogee, Indian Territory, October 31, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 22nd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Sophia Graves, of which decision you were advised by mail on the 28th day of July, 1902.

Respectfully,

*Yame Dink*  
Acting Chairman.

#1232

No. 4823

For Identification as a Mississippi Choctaw.

Meridian Miss

Date Feb 17 1902

Name Sophia Graves.

Age 75 Blood 1/2

Post Office, Sucknow, Miss

Father: William Wattie &

Mother: ~~Polly~~ Delila = &

Claims through mother

Name ...

Children:

mothers	father	Sister	McDaniel	&
"	mother	Polly	"	&

Stenographer

*[Signature]*

Choctaw MCR 4824

. Richard Myrick

See MCR 4826, 4828, 4827  
4825

MCR 4824



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

- - - - -0- - - - -

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

Richard Myrick,	M. C. R. 4824
George Myrick, et al.,	M. C. R. 4826
Mary Burns, et al.,	M. C. R. 4828
Henry Myrick, et al.,	M. C. R. 4827
Jennie Moss, et al.,	M. C. R. 4825

- - - - -0- - - - -

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

- - - - -0- - - - -

	Page.
Original application of Richard Myrick, to the Commission to the Five Civilized Tribes, for identification as a Mississippi Choctaw.....	1
Original application of George Myrick, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	7
Copy of marriage license of George Myrick and Ollie Evans, marked Exhibit "A",.....	11
Original application of Mary Burns, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	12
Original application of Henry Myrick, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	15
Copy of marriage license of Henry Myrick and Mary Porter, marked Exhibit "A",.....	19

Original application of Jennie Moss, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	20
Final decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws, in the consolidated case of Richard Myrick, et al. ....	24

-----o-----

43-124

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 17th, 1902.

In the matter of the application of Richard Myrick for the identification of himself alone as a Mississippi Choctaw.

APPEARANCES: S.A. Beadle, Attorney for applicant,  
A.W. Jones, Agent for applicant.

Said Richard Myrick, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Richard Myrick.  
Q How old are you? A About seventy-two.  
Q How much Choctaw blood have you? A A quarter.  
Q What's your postoffice address? A Bolton, Mississippi.  
Q How long have you lived at Bolton? A Lived there all my life.  
Q Is your father living? A No sir.  
Q What was his name? A Harry Pouncil.  
Q Is your mother living? A No sir.  
Q What was her name? A Rhina.  
Q Were you a slave? A Yes sir.  
Q Were your parents slaves-your father and mother? A No sir, my mother won't-my father was.  
Q Through which one of your parents did you get your Choctaw blood? A My mother.  
Q How much Choctaw blood did she have? A She was half.  
Q Where was she born? A Here in Bolton, Mississippi.  
Q Did she live there all her life? A Yes sir.  
Q Through which one of her parents did she get her Choctaw blood-her father or mother? A From her father.  
Q What was her father's name? A William.  
Q William what? A I can't pronounce his name.  
Q Is that the only name he ever had? A That's all I ever heard of.  
Q Did you ever see him? A No sir.  
Q How much Choctaw blood did he have? A He was full Indian-so they said.  
Q Where did he live? A He lived out towards Raymond.  
Q In Hinds County? A Yes sir.  
Q Was he born over there? A Yes sir.  
Q Lived there all his life? A Yes sir, until he died.  
Q What was the name of your mother's mother? A Rhina.  
Q Your grandmother was named Rhina? A Yes sir.  
Q Was she a slave? A No sir, she went a full out slave.  
Q How many children did she have by this man William? A Not but one.  
Q Just your mother? A Yes sir.  
Q Were they married? A I can't say about that.  
Q You don't know about that? A No sir.  
Q Do you know whether they ever lived together as husband and wife?  
A No sir, I don't know.  
Q Do you know the name of William's father or of his mother? A No sir.

Richard Myrick--2

- Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q Do you make any claim for her? A No sir.  
Q She has no Choctaw blood? A No sir, she's a black negro.  
Q Have you any children under age living? A No sir.  
Q This application, then, is for yourself only? A Yes sir.  
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A I don't know.  
Q Was any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? 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 article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand that 14th article? A Not exactly.

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

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

Richard Myrick--3

Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

If a Choctaw who lived here 71 years ago in the old Choctaw Nation decided that he wanted to stay here in Mississippi under this 14th article, he was required by the terms of that article to let the Agent of the Government here in Mississippi, for the Choctaws, in 1831, know within six months from the time this treaty was ratified, the treaty was ratified on the 21th day of February, 1831--that he wanted to stay here and become a citizen of the States, and the Choctaw, after he had let the Agent know that he wanted to stay here, was entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner he was entitled to one half that quantity for each unmarried child living with him over ten years of age and for each child under ten years of age he was entitled to a quarter section. The reservations of these children were required, by that 14th article, to adjoin the location of the parent and the reservations for these Indians were required in each instance to include the improvement of the parent as it existed on the 27th day of September, 1830, the day the treaty was made. Now, if the Indian lived on that land for five years after the treaty was ratified--five years from February 24, 1831--he was entitled to a grant in fee simple for the land--that is, the Government would give him a deed or patent to the land and it would become the property of the Indian. That 14th article provided, further, that persons who claimed under that article should not lose the privilege of a Choctaw citizen but if they ever removed--that is if they ever went out to the new Choctaw Nation--they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid to the Choctaws each year by the Government, under treaty provisions.

- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A No sir.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir.
- Q Did any of your Choctaw ancestors live here at that time? A Yes sir, my mother was here.
- Q Was your grandfather, William, living at the time of your birth? A Not as I know of.
- Q He died before you were born? A Yes sir.
- Q Where did your mother live at that time? A Right there four miles from Bolton.
- Q In what County? A In Hinds.
- Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and

Richard Myrick--4

become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir, they did not.

Q Did any of them ever get any land under any other provision of that treaty? A No sir.

Q Did any of them ever get any money from the Government? A No sir.

Q Did any of your ancestors, to your knowledge, receive any benefits whatever as Choctaw Indians? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under that article. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir, not as I know of.

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

Richard Myrick --5

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

Q You never received any benefits, whatever, as a Choctaw Indian, did you? A No sir.

Q Do you know of any old person ~~xxx~~ living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.

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

Q Any witnesses that are here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us ~~here~~ at any one of our appointments here in Mississippi this winter or Spring or within a reasonable time at Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time?

A No sir.

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

Q Did your mother? A A little.

Q Have you any brothers living? A No sir, they're all dead.

Q Have you any sisters living? A No sir.

Q Have you any children living? A Yes sir.

Q How many? A Four gals and one boy.

Q What are the names of these children? A Dinah Williams.

Q Next one? A Sealy Myrick.

Q Next one? A Lovenia Myrick.

Q Next one? A Lillian Myrick.

Q Is that all your daughters? A Yes sir.

Q What is the name of your son? A Henry.

Q Has anyone of these children been before the Commission? A No sir.

Q Have you any children dead? A Had six.

Q Did any of them leave children? A No sir.

Q How many brothers did you have? A Its been so long I can't tell exactly-I know my mammy had ten in all.

Q Did any of those brothers leave children? A Not as I knows of no more than these here.

Q These four? A Yes sir.

Q These four are the children of one of your brothers? A Yes sir, and then there are Walter and Spencer Graham.

Q What are the names of these people that are here before the Commission now? A George Myrick, Henry Myrick, Mary Burns and Jennie Moss.

Q They are the children of one of your brothers? A Yes sir, the first three are children of my brother Sam and the last one is the child of my brother Spencer. There are two other of Spencer's children who are not here.

Q What are their names? A Spencer and Walter Graham.

Q Have you named all the living children of your deceased brothers?

A Yes sir.



Richard Wyrick--6

- Q Have you any sisters dead who left children? A Yes sir, one one died in Vicksburg, left a boy named Jerry Lewis.
- Q Is he living? A He was living about Christmas time-I got a letter from him.
- Q What's the name of the mother of these children of yours? A Georgia Ann.
- Q Were you married to her under a license? A Yes, we were married like we were before the war.
- Q Married under the ~~xxx~~ slave custom? A Yes sir.
- Q Have you lived together ever since? A Yes sir.
- Q What is the name of the mother of these children of Sam's? A Sarah.
- Q Was he lawfully married to her? A He was married just like I was.
- Q According to the slave custom? A Yes sir.
- Q Did they live together until one of them died? A Yes sir.
- Q What was the name of the mother of Spencer's children? A Jane Graham.
- Q Was he married to her? A No sir, only like I was.
- Q According to the slave custom? A Yes sir.
- Q Did they live together until the death of one of them? A Yes sir.

This applicant has the appearance of being a full blood negro-shows no indications of being possessed of Indian blood and does not speak or understand the Choctaw language.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 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.

*Ira S. Niles*

Subscribed and sworn to before me this the 15th day of March, 1902, at Seale, Mississippi.

*L. B. Mosley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]*

Deputy.



COPY.

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

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

Richard Myrick,	M. C. R. 4824
George Myrick, et al.,	M. C. R. 4826
Mary Burns, et al.,	M. C. R. 4828
Henry Myrick, et al.,	M. C. R. 4827
Jennie Moss, et al.,	M. C. R. 4825

--: 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 Richard Myrick, for himself; by George Myrick for  
himself and his seven minor children, Isaac, Aaron, Mary, Sarah,  
Charlotte, Lillian and Minnie Myrick; by Mary Burns for herself  
and her two minor children, Eva and Sam Burns; by Henry Myrick  
for himself and his seven minor children, George, Henry, Jr.,  
Richard, James, Sealy, Lizzie and Samuel Myrick; and by Jennie  
Moss for herself and her six minor children, Fannie, Lucy, Jehn,  
Delia, Doctor and Minerva Moss, under the following provision of  
the act of Congress approved June 28, 1898 (30 Stats., 495):

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

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

It also appears that all the applicants herein 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 Rhina (or Rhina Pouncil) who is alleged to have been possessed of some Choctaw blood, degree thereof not positively stated.

It further appears from the testimony that the parents of the above named ancestor were possessed of Choctaw blood and their names are given as William and Marina, but as it is not shown whether these are the surnames or the given names, it is impossible for the Commission to determine whether or not they were beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek", however, in order that every possible right as Mississippi Choctaws which these applicants may possess shall be fully adjudicated, the records relating to claims under said article fourteen have been searched for said names, and on pages 397, 405, 591 and 869, of the Claimants Brief and Evidence in the case of the Choctaw Nation, vs. the United States before the Court of Claims, No. 12742, appears the name of William, in certain lists, schedules and depositions, relating to claims under the treaty of "Dancing Rabbit Creek". It is also found that a person bearing the name of William received scrip as a beneficiary under article fourteen of said treaty, but there is nothing in the testimony submitted by the applicants which would tend to show that the

William, through whom they claim is identical with the William mentioned in said records.

It further appears, from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William, through whom these applicants claim, or Marina, or Rhina (or Rhina Pouncil), or Richard Myrick, the principal applicant 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., 186) 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

Richard Myrick, George Myrick, Isaac Myrick, Aaron Myrick, Mary Myrick, Sarah Myrick, Charlotte Myrick, Lillian Myrick, Minnie Myrick, Mary Burns, Eva Burns, Sam Burns, Henry Myrick, George Myrick (2), Henry Myrick, Jr., Richard Myrick (2), James Myrick, Sealy Myrick, Lizzie Myrick, Samuel Myrick, Jennie Moss, Fannie Moss, Lucy Moss, John Moss, Delia Moss, Doctor Moss and Minerva Moss as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

*James Bixby.*

*Acting Chairman.*

*I. B. Needles.*

*Commissioner.*

*C. R. Breckinridge*

*Commissioner.*

Muskogee, Indian Territory,

APR 10 1903

COPY.

M.C.R.4824.

Muskogee, Indian Territory, April 10, 1903.

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 10th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Richard Myrick, et al., embracing the following applications for identification as Mississippi Choctaws:

Richard Myrick, M.C.R.4824;  
George Myrick, et al. M.C.R.4826;  
Mary Burns, et al., M.C.R.4828;  
Henry Myrick, et al., M.C.R.4827;  
Jennie Ross, et al., M.C.R.4825.

These applications were made under the provision of the act of Congress of June 26, 1898, (30 Stats., 496), which is as follows:

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

Said decision concluded as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Richard Myrick, George Myrick, Isaac

A. W. J., 2.

Myrick, Aaron Myrick, Mary Myrick, Sarah Myrick, Charlotte Myrick, Lillian Myrick, Minnie Myrick, Mary Burns, Eva Burns, Sam Burns, Henry Myrick, George Myrick (2), Henry Myrick, Jr., Richard Myrick (2), James Myrick, Sealy Myrick, Lizzie Myrick, Samuel Myrick, Jennie Moss, Fannie Moss, Lucy Moss, John Moss, Dollie Moss, Doctor Moss and Minerva Moss as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

*Tams Dixby*

Chairman.

Resist rod.

Muskogee, Indian Territory, April 10, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 10th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Richard Myrick, et al., embracing the following applications for identification as Mississippi Choctaws:

Richard Myrick,	M.C.R. 4824
George Myrick, et al.,	M.C.R. 4826
Mary Burns, et al.,	M.C.P. 4828
Henry Myrick, et al.,	M.C.R. 4827
Jennie Moss, et al.,	M.C.R. 4825

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 Richard Myrick, George Myrick, Isaac Myrick, Aaron Myrick, Mary Myrick, Sarah Myrick, Charlotte Myrick, Lillian Myrick, Minnie Myrick, Mary Burns, Eva Burns, Sam Burns, Henry Myrick, George Myrick (2), Henry Myrick, Jr., Richard Myrick (2), James Myrick, Sealy Myrick, Lizzie Myrick, Samuel Myrick, Jennie Moss, Fannie Moss, Lucy Moss, John Moss, Delia Moss, Doctor Moss and Minerva Moss as Choctaw Indians entitled 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 be refused, and it is so ordered."

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

Respectfully,

*James Dixby*  
Chairman.



OPY.

Muskogee, Indian Territory, April 10, 1903.

S. A. Beadle,  
Attorney at Law,  
Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 10th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Richard Myrick, et al: embracing the following applications for identification as Mississippi Choctaws:

Richard Myrick,	M.C.R. 4824
George Myrick, et al.,	M.C.R. 4826
Mary Burns, et al.,	M.C.R. 4828
Henry Myrick, et al.,	M.C.R. 4827
Jennie Moss, et al.,	M.C.R. 4825

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 Richard Myrick, George Myrick, Isaac Myrick, Aaron Myrick, Mary Myrick, Sarah Myrick, Charlotte Myrick, Lillian Myrick, Minnie Myrick, Mary Burns, Eva Burns, Sam Burns, Henry Myrick, George Myrick (2), Henry Myrick, Jr., Richard Myrick (2), James Myrick, Sealy Myrick, Lizzie Myrick, Samuel Myrick, Jennie Moss, Fannie Moss, Lucy Moss, John Moss, Delia Moss, Doctor Moss and Minerva Moss as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

*Laura E. Brown*  
Chairman.

Registered.

Muskogee, Indian Territory, April 10, 1903.

Richard Myrick,  
Bolton, Mississippi.

Dear Sir:

You are hereby advised that on the 10th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Richard Myrick, et al., embracing the following applications for identification as Mississippi Choctaws:

Richard Myrick	M.C.R. 4824
George Myrick, et al.,	" 4826
Mary Burns, et al.,	" 4828
Henry Myrick, et al.,	" 4827
Jennie Moss, et al.,	" 4825.

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 Richard Myrick, George Myrick, Isaac Myrick, Aaron Myrick, Mary Myrick,

Sarah Myrick, Charlotte Myrick, Lillian Myrick, Minnie Myrick, Mary Burns, Eva Burns, Sam Burns, Henry Myrick, George Myrick (2) Henry Myrick, Jr., Richard Myrick (2), James Myrick, Sealy Myrick, Lizzie Myrick, Samuel Myrick, Jennie Moss, Fannie Moss, Lucy Moss, John Moss, Delia Moss, Doctor Moss and Minerva Moss as Choctaw Indians entitled 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 matter, and at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*James D. ...*  
Chairman.

Registered.

(COPY)

Muskogee, Indian Territory, April 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Richard Myrick, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 10, 1903.

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

Richard Myrick,	M.C.R. 4824,
George Myrick, et al.,	M.C.R. 4826,
Mary Burns, et al.,	M.C.R. 4828,
Henry Myrick, et al.,	M.C.R. 4827,
Jennie Moss, et al.,	M.C.R. 4825.

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

Respectfully,

(Signed)

ELIAS BIXBY,

Chairman.

Through the  
Commissioner of Indian Affairs.

2 enclosures M.C.R. 4824.

Muskogee, Indian Territory, May 5, 1903.

Richard Myrick,  
Bolton, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, in which you make certain statements regarding your Choctaw descent. You further state "I can send you more proof if needed."

In reply you are informed that on April 10, 1903, the Commission rendered its decision refusing your application, and on the same date you were notified by registered mail of the action of the Commission and that you would be allowed fifteen days from the date of said decision within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior.

The fifteen days from April 10, 1903, heretofore allowed you within which to file arguments in support of your case, expired on April 25, 1903. On April 27, 1903, the record in your case, together with the decision of the Commission refusing your application, was forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence in support thereof.

Respectfully,

Chairman.

Land.

DEPARTMENT OF THE INTERIOR.

27840-1903.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON,

June 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five civilized tribes in the matter of the application of Richard Myrick for the identification of himself; of George Myrick for the identification of himself and his seven minor children Isaac, Aaron, Mary, Sara, Charlotte, Lillian and Minnie Myrick; of Mary Burns for herself and her two minor children Eva and Sam Burns; of Henry Myrick for himself and his seven minor children George, Henry Jr., Richard, James, Sealy, Lizzie and Samuel Myrick and of Jennie Moss for the identification of herself and her six minor children Fannie, Lucy, John, Delia, Doctor and Minerva Moss, all as Mississippi Choctaws.

On April 10, 1903, the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaws entitled to rights in the lands of the Choctaw Nation, under the provisions of article 14 of the treaty of 1830 and that their applications thereunder should be denied.

The office has examined the record evidence and finds that these applicants claim to have inherited their Choctaw blood from

an ancestor named Rhina or Rhina Pouncil but neither the record evidence nor an examination of the records of this office tends to show that in any way that any person by the name of Rhina or Rhina Pouncil ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or secured a patent or scrip for land thereunder. The evidence shows that the ancestors of these people were slaves. By reason of the premises the office considers said decision of the Commission correct and recommends that it be affirmed by the Department.

Very respectfully,

W.A. Jones,

Commissioner.

WCB-R.



J.P.

WCF.

DEPARTMENT OF THE INTERIOR.

EAF.

WASHINGTON.

D.C.18367.

July 2, 1903.

ITD. 5152-1903.

Commission to the Five civilized tribes,  
Muskogee, I. T.

Gentlemen :-

April 27, 1903, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Chootaws, of Richard Myrick; of George Myrick and his minor children, Isaac, Aaron, Mary, Sarah, Charlette, Lillian and Minnie Myrick; of Mary Burns and her minor children Eva and Sam Burns; of Henry Myrick and his minor children, George, Henry Jr., Richard, James, Sealy, Lizzie and Samuel Myrick; and of Jennie Moss and her minor children, Fannie, Lucy, John, Delia, Doctor and Minerva Moss. By decision dated April 10, 1903, you refuse the applications.

The applicants claim rights to chootaw lands under article 14 of the treaty of 1830 by reason of being descendants of Rhina (or Rhina Pouncil), who is alleged to have been possessed of some Chootaw Indian blood and to have resided in Mississippi in 1830.

Neither the evidence furnished by the record

nor the records of the Indian Office show that 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.

It appears from the testimony that the parents of Rhina or Rhina Pouncil were given as William and Marina, but it is not shown whether these were the surnames or the given names. It also appears from the decision of the Commission that on page 397, 405, 591, and 889 of the Claimants Brief and Evidence in the case of the Choctaw Nation versus the United States, before the Court of Claims, No. 12742, appears the name of William in certain lists, schedules and depositions relating to claims under the treaty of 1830. It also appears that a person bearing the name of William received scrip as a beneficiary under article fourteen of the treaty of 1830, but there is nothing in the records to show that the William through whom the applicants claim is identical with the William mentioned in the decision of the Commission.

The Commissioner of Indian Affairs forwarded the papers with his letter of June 18, in which he recommends that your decision be approved. A copy of his letter is inclosed herewith.

-3-

After a careful review of the entire record  
the department finds no reason to disturb your decision,  
and it is hereby affirmed.

Respectfully,

E.A.Hitchcock,

Secretary .

1 inclosure.

M.C.R. 4824.

COPY.

Muskogee, Indian Territory, July 28, 1903.

A. W. Jones, Agent

Muskogee, Indian Territory.

Dear Sir:-

You are hereby notified that on the 2nd day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Richard Myrick et al., of which decision you were advised by registered mail on the 10th day of April, 1903.

Respectfully,

*T. B. ...*

Commissioner in Charge.

M.C.R. 4824.

COPY.

Muskogee, Indian Territory, July 28, 1903.

**Mansfield McMurry & Cornish,**

**Attorneys for the Choctaw and Chickasaw Nations,**

**South McAlester, Indian Territory.**

Gentlemen:-

You are hereby notified that on the 2nd day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Richard Myrick et al., of which decision you were advised by mail on the 10th day of April, 1903.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

M.C.R. 4824.

COPY.

Muskogee, Indian Territory, July 28, 1903.

B. A. Beadle,  
Attorney at Law,  
Jackson, Mississippi.

Dear Sir:-

You are hereby notified that on the 2nd day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Richard Myrick et al., of which decision you were advised by registered mail on the 10th day of April, 1903.

Respectfully,

*T. B. Waddles.*  
Commissioner in Charge.

W.C.R. 4824.

COPY

Muskogee, Indian Territory, July 28, 1903.

Richard Myrick,  
Belton, Mississippi.

Dear Sir:-

You are hereby notified that on the 2nd day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Richard Myrick et al., of which decision you were advised by registered mail on the 10th day of April, 1903.

Respectfully,

*T. B. Vardles.*  
Commissioner in Charge.

REFER TO M. G. R.

4824

Richard H. ... & ...

RESIDENCE COUNTY  
POST OFFICE  
Age Sex



William <sup>Dead</sup> x Rhina Pouncil, <sup>1/2 dead</sup> <sub>Slave</sub>  
 wife <sup>husband</sup>  
 Rhina (or Marina) ? x Harry Pouncil, <sup>Dead</sup> <sub>slave</sub>

Conflict in between years to  
 unnumbered in several lines  
 check blood gene to the committee

Sam Myrick, <sup>Dead</sup>  
 wife  
 Sarah Myrick, <sup>Dead</sup>

Richard Myrick <sup>1/2</sup> <sub>slam</sub>  
 wife  
 Georgia Ann Myrick <sub>negro</sub>

<sup>Myrick</sup>  
 George Myrick, 42 1/8  
 wife  
 Ollie Myrick

Isaac Myrick	17
Aaron Myrick	15
Mary Myrick	14
Sarah Myrick	12
Charlotte Myrick	11
Lillian Myrick	3
Minnie Myrick	3 mos

Isaac Myrick, <sup>Dead</sup>  
 wife  
 Mary Jane Myrick <sup>married</sup>  
 Andrew Jackson

Myrick
Myrick
Myrick

Sealy Myrick, <sup>Dead</sup>  
 married  
 William Henry Crudip

Crudip
Crudip
Crudip
Crudip

<sup>Myrick</sup>  
 Mary Myrick 32 1/8 <sup>married</sup>  
 General Burns

Eva Burns	16
Sam Burns	13

<sup>Myrick</sup>  
 Henry Myrick, 30 1/8 <sup>married</sup>  
 wife  
 Mary Myrick

George Myrick	13
Henry Myrick Jr	11
Richard Myrick	9
James Myrick	7
Sealy Myrick	6
Lizzie Myrick	4
Samuel Myrick	1

Dinah Williams  
 Sealy Myrick  
 Lovenia Myrick  
 Lillian Myrick  
 Henry Myrick

William  
wife  
Rhina (or Marina) ?

Dead

Rhina Pouncil, h.D.  
slave  
husband  
Harry Pouncil, slave D.

Spencer Graham, dead  
wife  
Spencer Graham

Jane Graham, I  
Walter Graham

Rhina Graham dead  
married  
Marshall

John Marshall

Walter Graham

Graham  
married  
Lewes

Jerry Lewes

miss  
48  
Jennie Graham, 38 1/2  
married  
Henry Moss

miss  
48  
John Moss, 18  
Fannie Moss, 17  
Lucy Moss, 16  
Delia Moss, 12  
Doctor Moss, 11  
Minerva Moss, 7

see notes on page

#1835

No. 4824

For Identification as a Mississippi Choctaw.

Meridian <sup>Miss</sup> Date FEB 17 1902

Name Richard Myrick

Age 72 Blood 1/4

Post Office, Bolton, Miss.

Father: Harry Pounceil d

Mother: Rhina " 1/2 &

Claims through mother

Claims: *[illegible]*

Children:

Miss

Stenographer

Ira S. Hills.

Choctaw MCR 4825

Jennie. Moss

See MCR 4824

MCR 4825

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 17th, 1902.

In the matter of the application of Jennie Moss for the identification of herself and six minor children, Fannie, Lucy, John, Delia, Doctor and Minerva, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicant,  
A.W. Jones, Agent for applicant.

Said Jennie Moss, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Jennie Moss.  
Q How old are you? A Thirty-eight, I reckon, about that.  
Q How much Choctaw blood have you? A One eighth.  
Q What's your postoffice address? A Bolton, Mississippi.  
Q How long have you lived in Hinds County, Mississippi? A I was born there.  
Q All your life? A Yes sir.  
Q Is your father living? A No sir.  
Q What was his name? A Spencer Graham.  
Q Is your mother living? A Yes sir.  
Q Has she any Choctaw blood? A No sir, not as I know of.  
Q What's her name? A Jane Graham.  
Q You get your Choctaw blood solely through your father? A Yes sir.  
Q Were your father and mother lawfully married? A They were married as slaves.  
Q Did they live together until your father died? A Yes sir.  
Q What relation are you to Richard Myrick who has just been before the Commission? A He's my uncle.  
Q Your father's full brother? A Yes sir.  
Q Did your father live in this State all his life? A Yes sir.  
Q Was he older or younger than Richard Myrick? A Older.  
Q How much older? A I don't know, sir.  
Q Through which one of his parents did he get his Choctaw blood?  
A From his mother.  
Q How much Choctaw blood did she have? A Half.  
Q Did you ever see her? A Yes sir.  
Q Where did she live? A She lived in Mississippi.  
Q All her life? A Yes sir.  
Q Through which one of her parents did she get her Choctaw blood?  
A From her mother.  
Q Are you sure of that? A Yes sir.  
Q How do you know? A My grandmother told me.  
Q What was her mother's name? A Rhina.  
Q She was a ~~full blood~~ Choctaw, was she? A Yes sir.  
Q How much Choctaw blood did your grandmother's mother have? A My grandmother said her mother was a whole Indian.  
Q Do you know the name of your grandmother's father? A No sir.  
Q He had no Choctaw blood, then? A Not as I know of.  
Q You are sure, now, that your grandmother, Rhina, told you that her mother was a full blood Choctaw Indian? A Yes sir.

Q Where did she live-your great grandmother? A She lived in Hinds.

Q All her life? A That's what grandma said.

Q Was she a slave? A No sir.

Q Was your grandmother a slave? A No sir.

Q Your father? A No sir.

Q Are you sure of that? A He said he wasn't no slave.

Q Are you married? A Yes sir.

Q Is your husband living? A Yes sir.

Q Has he any Choctaw blood? A No sir.

Q What's his name? A Hiram Moss.

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

Q How many children have you living who are under age and unmarried? A Six.

Q What are their names and ages? A Fannie, seventeen.

Q Next one? A Lucy.

Q How old? A About sixteen.

Q Next one? A John.

Q How old? A About eighteen.

Q Next one? A Delia.

Q How old is she? A About twelve.

Q Next one? A Doctor.

Q Is that a boy? A Yes sir.

Q How old? A About eleven.

Q Next one? A Minerva.

Q How old is she? A Nine.

Q Is that all of your children under age? A Yes sir.

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

Q Are they all the children of yourself and Hiram Moss? A Yes sir.

Q This application, then, is for yourself and six minor children, is that right? A Yes sir.

Q Is your name or the name of any one of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir not as I know of.

Q Has any application of any description ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and six minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No sir, not as I know of.

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

Q Did any of them, in fact, live here at that time, in the old Choctaw Nation, 71 years ago-do you know about that? A No sir, I don't know about that.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.
- Q Did any of them ever get any land here in Mississippi from the Government under any other provision of that treaty? A Not as I know of.
- Q Did any of them ever get any money from the Government? A I don't know, sir.
- Q You heard explained to your uncle Richard Myrick the causes which brought about certain acts of Congress between the years 1837 and 1842 providing for the appointment of Commissioners to hear Choctaw claims under this 14th article, did you not? A Yes sir, I heard it.
- Q Did any of your ancestors appear before any of these Commissioners appointed under these acts of Congress and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

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

- Q Did any of your ancestors ever get any of this scrip from the Government under this act of Congress? A Not as I know of.
- Q So far as you know, then, none of your ancestors were ever recognized members of the Choctaw Tribe of Indians or ever received any benefits whatever as such? A No sir, not as I know of.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know any.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence of any kind to offer at this time? A No sir.
- Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of our appointments here in Mississippi this Winter or Spring or within a reasonable time in Muskogee, Indian Territory, and their testimony will be taken.

Jennie Moss et al--4

- Q Are there any further statements you want to make at this time?  
A No sir.  
Q Have you any brothers living? A Yes sir.  
Q How many? A Two brothers.  
Q What are their names? A Spencer Graham and Walter Graham.  
Q Have you any sisters living? A No sir.  
Q Have you any brothers or sisters dead who left children? A Yes sir, my sister Rhina, she died and left one child.  
Q What's that child's name? A John Marshall.  
Q Where does he live? A He lives where I do, Bolton.  
Q How old is he? A Thirteen years old.  
Q Who does he live with? A With my brother.  
Q Spencer? A Yes sir.  
Q Have your brothers made application to the Commission? A No sir they haven't.  
Q You don't speak or understand the Choctaw language, do you? A No sir.  
Q Did your father? A Not that I know of.

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates-her hair is rather inclined to be straight-she has the features and facial expression of a negro -does not speak or understand the Choctaw language.

Ira S. Wiles, 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, February 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 15th day of March, 1902, at Seale, Mississippi.

*L. B. Massey*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]*

Deputy.



COPY.

Muskogee, Indian Territory, April 10, 1903.

Jennie Moss,  
Bolton, Mississippi.

Dear Madam:

You are hereby advised that on the 10th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Richard Myrick, et al., embracing the following applications for identification as Mississippi Choctaws:

Richard Myrick,	M.C.R. 4824
George Myrick, et al.,	M.C.R. 4826
Mary Burns, et al.,	M.C.R. 4828
Henry Myrick, et al.,	M.C.R. 4827
Jennie Moss, et al.,	M.C.R. 4825

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 Richard Myrick, George Myrick, Isaac Myrick, Aaron Myrick, Mary Myrick, Sarah Myrick, Charlotte Myrick, Lillian Myrick, Minnie Myrick, Mary Burns, Eva Burns, Sam Burns, Henry Myrick, George Myrick (2), Henry Myrick, Jr., Richard Myrick (2), James Myrick, Sealy Myrick, Lizzie Myrick, Samuel Myrick, Jennie Moss, Fannie Moss, Lucy Moss, John Moss, Delia Moss, Docter Moss and Minerva Moss as Choctaw Indians entitled 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,

*Farmo Bixby*  
Chairman.

Registered.

M.C.R. 4825.

COPY.

Muskogee, Indian Territory, July 28, 1903.

Jennie Moss,

Selton, Mississippi.

Dear Madam:-

You are hereby notified that on the 2nd day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Richard Myrick et al., of which decision you were advised by registered mail on the 10th day of April, 1903.

Respectfully,

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

# 1836

No.

4825

# For Identification as a Mississippi Choctaw.

*Meridian Miss.*

Date

FEB 17 1902

Name *Jennie Moss*

Age *38*

Blood *1/8*

Post Office, *Bolton, Miss.*

Father: *Spencer Graham* &

Mother: *Jane* "

Claims through father

husband

*Hiram Moss* &

No claim for husband.

Claims for separate children.

Children:

<i>Fannie</i>	<i>Moss</i>	<i>17</i>
<i>Lucy</i>	"	<i>16</i>
<i>John</i>	"	<i>18</i>
<i>Delia</i>	"	<i>12</i>
<i>Doctot</i>	"	<i>(M) 11</i>
<i>Minerva</i>	"	<i>9</i>

father's other Rhine Journal &

Stenographer

*J. S. Niles*

Choctaw MCR 4826

George Myrick

See MCR 4824

MCR 4826

4921

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 27th, 1902.

In the matter of the application of George Myrick for the identification of himself and seven minor children, Isaac, Aaron, Mary, Sarah, Charlotte, Lillian and Minnie Myrick, as Mississippi Choctaws.

APPEARANCES: S. A. Beadle, Attorney for applicant,  
A. W. Jones, Agent for applicant.

Said George Myrick, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A George Myrick.  
Q How old are you? A I'm about forty-two.  
Q How much Choctaw blood have you? A I claim one-eighth.  
Q What's your postoffice address? A Bolton, Mississippi.  
Q What County? A Hinds County.  
Q How long have you lived there? A I been there all my life.  
Q Is your father living? A No sir.  
Q What was his name? A Sam Myrick.  
Q Is your mother living? A No sir.  
Q What was her name? A Sarah Myrick.  
Q Through which one of your parents did you get your Choctaw blood?  
A My father.  
Q Were he and your mother married? A Yes sir, according to slave custom.  
Q How long did they live together? A Until my father died.  
Q How many children were born to them? A I don't know how many in all-there are only three of us living.  
Q You don't know how many are dead? A No sir.  
Q Where was your father born? A In Hinds County, Mississippi, so he said.  
Q Did he live there all his life? A Yes sir.  
Q Through which one of his parents did he get his Choctaw blood?  
A His mother.  
Q What was her name? A Rhina Pouncil.  
Q Did you ever see Rhina? A Yes sir.  
Q How long has she been dead? A She died when I was a little fellow-I can't remember just how long.  
Q About how old was she then? A She seemed old to me then.  
Q How old would your father be if he were living? A He was supposed to be eighty odd when he died.  
Q When did he die? A About 22 years ago- I guess he died in '81.  
Q What relation are you to Richard Myrick who appeared before the Commission this morning? A He was my uncle-according to my father's testimony.  
Q Your father's full brother? A Yes sir, so he said.  
Q What relation are you to Jennie Moss who just appeared before us?  
A Cousin.  
Q Her father and your father were full brothers-were they? A Yes sir.  
Q Did Rhina live in this state all her life? A Yes sir.  
Q Was she a slave? A Yes sir, supposed to be.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.

- Q Have you been married more than once? A No sir.  
Q What's your wife's name? A Ollie.  
Q Has she any Choctaw blood? A No sir.  
Q You don't claim for her? A No sir.  
Q How many children have you living for whom you want to make application? A Seven.  
Q What are their names and ages? A Isaac, seventeen.  
Q Next one? A Aaron, fifteen.  
Q Next one? A Mary, fourteen.  
Q Next one? A Sarah, twelve.  
Q Next one? A Charlotte, eleven.  
Q Next one? A Lillian, three.  
Q Next one? A Minnie, about three months old.  
Q Is that all? A Yes sir.  
Q Are these children all living with you at this time? A Yes sir.  
Q Are they all the children of yourself and Ollie Myrick? A Yes sir.  
Q This application, then, is for yourself and seven minor children, is that right? A Yes sir.  
Q Were you married to Ollie under a license? A Yes sir.  
Q When? A Married in '80, in November.  
Q Where? A At Raymond, Hinds County, Mississippi.  
Q Have you that license with you? A No sir.

It will be necessary that you furnish the Commission with proper evidence of your marriage to your wife Ollie for use in connection with the application you make for your minor children. This should be furnished within thirty days from this date.

- Q Is your name or the name of anyone of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.  
Q Has any application of any description ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and seven minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand that 14th article? A Yes sir.  
Q Did any of your ancestors ever comply or attempt to comply with its provisions of ever receive any benefits under that article? A Not as I know of.  
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not as I know of.  
Q Did any of them, in fact, live here at that time? A Not as I know of.  
Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir, I reckon not.  
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in

Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever get any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek?

A Not as I know of.

Q Did any of them ever get any money from the Government? A Not as I know of.

Q So far as you know none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

Q You heard explained to your uncle Richard Myrick the causes which brought about certain acts of Congress between the years 1835 and 1842, providing for the appointment of Commissioners to come down here and adjust claims of Choctaws under the 14th article of the treaty of Dancing Rabbit Creek, did you not? A Yes sir.

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

Q Did any of them get any scrip from the Government under the act of Congress approved August 23, 1842? A Not as I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A None except my uncle.

Q Who gave in his testimony this morning? A Yes sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.

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

Q Any witnesses here today? A None except my uncle Richard Myrick.

His testimony will be considered in your case.

If you should find any other witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of our appointments here in Mississippi this Winter or Spring or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

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

Q Have you any brothers living? A Yes sir.

Q How many? A One.

Q What's his name? A Henry Myrick.

Q Is he here today? A Yes sir.

Q Have you any sisters living? A Yes sir.

Q How many? A One.

Q What's her name? A Mary Burns.

Q Is she here today? A Yes sir.

Q Have you any brothers dead who left children? A Yes sir.

Q How many? A One.

Q What was his name? A Isaac.



George Myrick et al--4

- Q How many children did he leave? A Three.  
Q Are they living now? A Yes sir.  
Q With whom? A With their step-father.  
Q What's his name? A Andrew Jackson.  
Q Has any application been made for them yet? A No sir.  
Q What's the name of their mother? A Mary Jane.  
Q Have you any sisters dead who left children? A Yes sir.  
Q How many? A One.  
Q What was her name? A Sealy Crudip.  
Q How many of her children are living? A She left four.  
Q Are they living now? A Yes sir.  
Q With whom do they live? A Live with their father--three of them.  
Q What's his name? A William Henry Crudip.  
Q Has your father any brothers living besides Richard Myrick? A  
No sir.  
Q What relation are you to Jennie Moss who appeared before the  
Commission this morning? A Cousin.  
Q Your fathers are brothers? A Yes sir.  
Q You don't speak or understand the Choctaw language? A No sir.  
Q Did your father? A No sir, I never heard him speak it.

--  
This applicant has the appearance of being possessed of a  
mixture of negro and either white or Indian blood, in which  
the negro blood predominates--his hair is inclined to be  
straight--he has the features and facial expression of a  
negro--does not speak or understand the Choctaw language.

-----

Ira S. Niles, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he reported in full  
all proceedings had in the above entitled cause, heard at Meridian,  
Mississippi, February 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 15th day of March, 1902,  
at Seale, Mississippi.

*L. B. Mowdy*  
Clerk U. S. Circuit Court, Southern  
District of Mississippi.

By *J. R. W.*

Deputy.

COPY.

Muskogee, Indian Territory, April 10, 1903.

George Myrick,  
Bolton, Mississippi.

Dear Sir:

You are hereby advised that on the 10th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Richard Myrick, et al., embracing the following applications for identification as Mississippi Choctaws:

Richard Myrick,	M.C.R. 4824
George Myrick, et al.,	M.C.R. 4826
Mary Burns, et al.,	M.C.R. 4828
Henry Myrick, et al.,	M.C.R. 4827
Jennie Moss, et al.,	M.C.R. 4825

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 Richard Myrick, George Myrick, Isaac Myrick, Aaron Myrick, Mary Myrick, Sarah Myrick, Charlotte Myrick, Lillian Myrick, Minnie Myrick, Mary Burns, Eva Burns, Sam Burns, Henry Myrick, George Myrick (2), Henry Myrick Jr.,

Richard Myrick (2), James Myrick, Sealy Myrick, Lizzie Myrick, Samuel Myrick, Jennie Moss, Fannie Moss, Lucy Moss, John Moss, Delia Moss, Doctor Moss and Minerva Moss as Choctaw Indians entitled 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,

*(Signature)*

*Tame Dixby*  
Chairman.

Registered.

M.C.R. 4826.

COPY.

Muskogee, Indian Territory, July 28, 1903.

George Myrick,  
Belton, Mississippi.

Dear Sir:-

You are hereby notified that on the 2nd day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Richard Myrick et al., of which decision you were advised by registered mail on the 10th day of April, 1903.

Respectfully,

*T. E. ...*  
Commissioner in charge.

#1837

No. 4826

For Identification as a Mississippi Choctaw.

Meridian Miss Date

FEB 7 1912

Name George Myrick

Age 42 Blood 1/8

Post Office Dalton, Miss

Father Sam Myrick d

Mother Sarah "

claims through father

wife Olive Myrick L  
no claim for wife

Children:

- Isaac Myrick 17
- Arnon " 15
- Mary " 14
- Sarah " 12
- Charlotte " 11
- Lillian " 3
- Minnie " 3mo

father's mother China

Stenographer

J. S. Niles

Choctaw MCR 4827

Henry Myrick

See MCR 4824

MCR 4827

487  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 17th, 1902.

In the matter of the application of Henry Myrick for the identification of himself and seven minor children, George, Henry Jr., Richard, James, Sealy, Lizzie and Samuel, as Mississippi Choctaws.

APPEARANCES: S. A. Beadle, Attorney for applicant,  
A. W. Jones, Agent for applicant.

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

Examination by the Commission.

- Q What's your name? A Henry Myrick.  
Q How old are you? A I suppose I'm thirty.  
Q How much Choctaw blood have you? A One-eighth.  
Q What's your postoffice address? A Bolton, Mississippi.  
Q How long have you lived at Bolton? A All my life.  
Q Is your father living? A No sir.  
Q What was his name? A Sam Myrick.  
Q How long has he been dead? A I don't know, sir--I believe 21 or 22 years, as near as I can come at it.  
Q About how old was he when he died? A I don't know, sir--I would take him to be eighty odd.  
Q Is your mother living? A No sir.  
Q What was her name? A Sarah Myrick.  
Q Through which one of your parents do you get your Choctaw blood? A Father.  
Q Through which one of his parents did he get his Choctaw blood? A His mother.  
Q What was her name? A Rhina.  
Q Did your father live in Hinds County all his life? A Yes sir, I understand that he did.  
Q Did Rhina? A Yes sir.  
Q Through which one of her parents did she get her Choctaw blood? A Her mother, I understand.  
Q What was her mother's name? A Well, I don't know, sir--They told me her name was Marina.  
Q You couldn't say, positively, that Rhina, your grandmother, got her Choctaw blood through her mother, could you? A No sir, I can't say positive.  
Q Do you ~~not~~ know what your grandmother's father's name was? A No sir.  
Q Are you married? A ~~No~~ Yes sir.  
Q Is your wife living? A Yes sir.  
Q Have you been married more than once? A No sir.  
Q Has she? A No sir.  
Q Has she any Choctaw blood? A No sir, not as I know of.  
Q You make no claim for her? A No sir.  
Q What's her name? A Mary.  
Q How many children have you living? A Seven.  
Q What are their names and ages? A The oldest one is named George--he's about thirteen.  
Q Next one? A Henry Jr., about eleven.

Henry Myrick et al--2

- Q Next one? A Richard, about nine.  
Q Next one? A James, he's about seven.  
Q Next one? A Sealy-she's about six.  
Q Next one? A Lizzie-about four.  
Q Next one? A Samuel-two years old, soon will be.  
Q Is that all? A Yes sir.  
Q Are these children all living with you at this time? A Yes sir.  
Q Are they all the children of yourself and Mary Myrick? A Yes sir.  
Q Were you married to Mary under a license? A Yes sir.  
Q When? A 1889-the 6th of December.  
Q Where? A Near Bolton.  
Q Who married you? A A preacher, Elder Vert Johnson.  
Q Have you your marriage license with you at this time? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Mary for use in connection with the application you make for your minor children. This should be furnished within thirty days from this date if possible.

- Q This application is for yourself and seven minor children, is it?  
A Yes sir.  
Q Is your name or the name of any one of these children on any of the Choctaw Tribal rolls in Indian Territory? A No sir.  
Q Has any application of any description ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A Not as I know of.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw Nation in Indian Territory for yourself and seven minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand that 14th article? A Yes sir.  
Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A No sir, not as I know of.  
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not that I know of.  
Q Did any of them, in fact, live here at that time? A I don't know, sir.  
Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir, not as I know of.  
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know, sir.  
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.  
Q Did any of them ever get any money from the Government? A No sir, not as I ever heard of.



Henry Myrick et al---3

- Q You never heard of any of them ever getting any land, either?  
A No sir, never did.
- Q What relation are you to George Myrick who has just been before the Commission? A My brother.
- Q What relation are you to Richard Myrick who appeared before the Commission this morning? A My uncle.
- Q He is your father's brother? A Yes sir.
- Q You heard explained to Richard Myrick the causes which brought about certain acts of Congress between the years 1837 and 1842 providing for the appointment of Commissioners to come down here and adjust the claims of Choctaws who claimed rights under this 14th article of this treaty of Dancing Rabbit Creek, did you not? A Yes sir.
- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir, not as I know of.
- Q Did any of your ancestors get any scrip from the Government of the United States under this act of Congress approved August 23, 1842? A No sir, not as I ever heard of.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No sir, I don't.
- Q Have you any written evidence to offer at this time? A No sir.
- Q Any witnesses you want to introduce? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of our appointments here in Mississippi this Winter or Spring, at Meridian between the 14th and 30th of April next, or within a reasonable time at Muskogee, Indian Territory, and their testimony will be taken.

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

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood seems to predominate--his hair is inclined to be straight--he has the features and facial expression of a negro--does not speak or understand the Choctaw language.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 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 15th day of March, 1902,

Henry Myrick et al--4

at Seale, Mississippi.

*L. B. Mosley*

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

By

*J. M. ...*

Deputy.

D.Y.

Muskogee, Indian Territory, April 10, 1903.

Henry Myrick,  
Bolton, Mississippi.

Dear Sir:

You are hereby advised that on the 10th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Richard Myrick, et al., embracing the following applications for the identification as Mississippi Choctaws:

Richard Myrick,	M.C.R. 4824
George Myrick, et al.,	M.C.R. 4826
Mary Burns, et al.,	M.C.R. 4828
Henry Myrick, et al.,	M.C.R. 4827
Jennie Moss, et al.,	M.C.R. 4825

These applications were made under the provision of the act of Congress of June 28, 1902 (30 Stats., 495) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity

of Richard Myrick, George Myrick, Isaac Myrick, Aaron Myrick, Mary Myrick, Sarah Myrick, Charlotte Myrick, Lillian Myrick, Minnie Myrick, Mary Burns, Eva Burns, Sam Burns, Henry Myrick, George Myrick (2), Henry Myrick, Jr., Richard Myrick (2), James Myrick, Sealy Myrick, Lizzie Myrick, Samuel Myrick, Jennie Moss, Fannie Moss, Lucy Moss, John Moss, Delia Moss, Doctor Moss and Minerva Moss as Choctaw Indians entitled 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,

*James Bibby.*  
Chairman.

Registered.

M.C.R. 4927.

COPY.

Muskogee, Indian Territory, July 28, 1903.

Henry Myrick,

Bolton, Mississippi.

Dear Sir:-

You are hereby notified that on the 2nd day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Richard Myrick et al., of which decision you were advised by registered mail on the 10th day of April, 1903.

Respectfully,

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

#1028

No. 3827

# For Identification as a Mississippi Choctaw.

Meridian Miss

Date

FEB 17 1902

Name Henry Myrick

Age 30

Blood 1/8

Post Office, Dalton, Miss.

Father: Sam Myrick d

Mother: Sarah " W

Claims through father

wife = Mary Myrick L  
no claim for wife

Claim ...

Children:

George Myrick 13

Henry " Jr 12

Richard " 9

James " 7

Sealy " 6

Lizzie " 11

Samuel " 1

Stenographer

Ira S. Kille

Choctaw MCR 4828

• Mary Burns

See MCR 4824

MCR 4828

4838  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 17th, 1902.

In the matter of the application of Mary Burns for the identification of herself and two minor children, Eva and Sam Burns, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicant,  
A.W. Jones, Agent for applicant.

Said Mary Burns, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Mary Burns.  
Q How old are you? A About thirty-two years old.  
Q How much Choctaw blood have you? A One-eighth I reckon.  
Q What's your postoffice address? A Bolton, Mississippi.  
Q What County? A Hinds County.  
Q How long have you lived in Hinds County? A That's where I was birthday'd.  
Q You have lived there all your life? A Yes sir,  
Q Is your father living? A No sir.  
Q What was his name? A Sam Myrick.  
Q What was your mother's name? A Sarah Myrick.  
Q Is she dead too? A Yes sir.  
Q Through which one of your parents do you get your Choctaw blood?  
A From my father.  
Q How much Choctaw blood did he have? A About a quarter.  
Q How long has he been dead? A I don't know, sir--I reckon about 22 years.  
Q Did he live in Hinds County all his life too? A That's what they say--I don't know.  
Q Through which one of his parents did he get his Choctaw blood?  
A From his mother.  
Q What was her name? A Rhina--so they say. I never did see her.  
~~Q What was her name? A Rhina--so they say. I never did see her.~~  
Q Through which one of her parents did Rhina get her Choctaw blood?  
A From her mother.  
Q What was her mother's name? A Rhina.  
Q She was a full blood Choctaw--was she? A That's what they say.  
Q Who told you that? A That's what my father said.  
Q He always taught you that, did he? A Yes sir.  
Q What relation are you to Henry and George Myrick who just appeared before the Commission? A They're my brothers.  
Q Full brothers? A Yes sir.  
Q What relation are you to Richard Myrick who just appeared before the Commission? A He's my uncle--my father's brother.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q Has he any Choctaw blood? A I don't know, sir.  
Q You make no claim for him? A No sir.  
Q What's his name? A General Burns.  
Q How many children have you living? A Two.  
Q What are their names? A Eva.  
Q How old? A About sixteen.



Q Next one? A About thirteen.

Q What's his name? A Sam.

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

Q They are the children of yourself and General Burns, are they?

A Yes sir.

Q This application, then, is for yourself and two minor children?

A Yes sir.

Q Is your name or the name of either of these children to be found on any of the Choctaw Tribal rolls in Indian Territory? A Not as I know of.

Q Has a y application of any description ever been made before today for you or either one of these children for the purpose of establishing your rights as Choctaw Indians? A If they did I don't know anything about it.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q You understand that 14th article-do you? A Yes sir.

Q Did an. of your ancestors ever comply or attempt to comply with the provisions of that 14th article or ever receive any benefits thereunder? A No sir, not as I know of.

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

Q Did any of them, in fact, live here at that time? A I learned they always did live here, in Hinds County.

Q You think they were living here, some of them, 71 years ago, then?

A Yes sir, I've heard them say so.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A If they did I don't know anything about it.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agwnt of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens and take land? A Not as I know of.

Q Did an. of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No sir, not as I know of.

Q Or under any other article of that treaty or the supplement thereto? A Not that I know of.

Q Did any of them ever get any money from the Government so far as you know? A Not as I know of.

Q You heard explained to your uncle, Richard Myrick, the causes which brought about certain acts of Congress between the years 1837 and 1842, providing for the appointment of Commissioners to come down here to Mississippi and hear Choctaw claims under this 14th article of the Treaty of Dancing Rabbit Creek, did you not? A Yes sir.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know anything about that.

Q Did any of your people get any scrip from the Government of the United States under the act of Congress approved August 23, 1842?

A If they did I don't know it.

Mary Burns et al--3

- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence to offer at this time-any papers? A No sir.
- Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us at any one of our appointments here in Mississippi this Winter or Spring, at Meridian between the 14th and 30th of April next, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time? A No sir.

This applicant has the appearance of being possessed of a mixture of negro and other white or Indian blood, apparently Indian; she is very dark and her hair is almost straight; she has rather prominent cheek bones; her facial expression is that of a negro; she does not speak or understand the Choctaw language.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 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 ~~14th~~ 17th day of March, 1902, at Seale, Mississippi.

*L. B. Mosley*  
Clerk U. S. Circuit Court, Southern  
District of Mississippi.

By *J. M. Smith*

Deputy.

Muskogee, Indian Territory, April 10, 1903.

Mary Burns,  
Bolton, Mississippi.

Dear Madam:

You are hereby advised that on the 10th, day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Richard Myrick, et al., embracing the following applications for identification as Mississippi Choctaws:

"Richard Myrick,	M.C.R. 4824
George Myrick, et al.,	M.C.R. 4826
Mary Burns, et al.,	M.C.R. 4828
Henry Myrick, et al.,	M.C.R. 4827
Jennie Moss, et al.	M.C.R. 4825

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 Richard Myrick, George Myrick, Isaac Myrick, Aaron Myrick, Mary Myrick, Sarah Myrick, Charlotte Myrick, Lillian Myrick, Minnie Myrick, Mary Burns, Eva Burns, Sam Burns, Henry Myrick, George Myrick (2), Henry Myrick, Jr., Richard Myrick (2), James Myrick, Sealy Myrick, Lizzie Myrick, Samuel Myrick, Jennie Moss, Fannie Moss, Lucy Moss, John Moss, Delia Moss, Doctor Moss and Minerva Moss as Choctaw Indians entitled 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,

IS-C

*Wm. D. ...*

Chairman.

Registered.

M.C.R. 4828.

COPY.

Muskogee, Indian Territory, July 28, 1903.

Mary Burns,  
Belton, Mississippi.

Dear Madam:-

You are hereby notified that on the 2nd day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Richard Myrick et al., of which decision you were advised by registered mail on the 10th day of April, 1903.

Respectfully,

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

#1837

No. 4928

# For Identification as a Mississippi Choctaw.

Meridian Miss

FEB 17 1902

Date

Name *Mary Burns*

Age *32* Blood *1/8*

Post Office, *Bulton, Miss*

Father: *Sam Myrick 1/4*

Mother: *Sarah " &*

Claims through father  
husbands *General Burns. &*  
*no claim for husband*

Claims *no children*

Children:

*Eva Burns 16*

*Sam " 13*

Stenographer

*J. S. Niles*

Choctaw MCR 4829

Maude Beadle

By

Samuel Beadle

See MCR 4618

MCR 4829

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 17th, 1902.

In the matter of the application of Samuel A. Beadle for the identification of his six minor children, Maude, Richard H., Samuel M., Mariah L., Garnett and Elbert B., as Mississippi Choctaws.

APPEARANCES: A.W. Jones, Agent for applicant.

Said Samuel A. Beadle, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Samuel A. Beadle.  
Q How old are you? A Forty-four.  
Q What's your postoffice address? A Jackson, Mississippi.  
Q Street number? A #727 Pearl St.  
Q How long have you lived in Hinds County, Mississippi? A Twenty-seven years.  
Q Where did you live before that? A Atlanta, Georgia.  
Q How long? A Lived there until I went to Jackson.  
Q Born there? A Yes sir.  
Q Have you any Choctaw blood? A No sir.  
Q For what purpose do you appear before the Commission at this time?  
A To make application for my wife's children-my children too-the children of my dead wife who was possessed of Choctaw blood.  
Q What are the names and ages of these children? A Maude, twenty.  
Q Next one? A Richard H.M., seventeen.  
Q Next one? A Samuel M., fourteen.  
Q Next one? A Mariah L., twelve.  
Q Next one? A Garnett, ten.  
Q Next one? A Elbert B., seven.  
Q Is that all of them? A Yes sir.  
Q Is Garnett a girl or boy? A Boy.  
Q Are these six children living with you at this time? A Yes sir.  
Q You are the father of all six of them, are you? A Yes sir.  
Q None of them are married? A No sir.  
Q What's the name of the mother of these children? A Aurelia W. Beadle.  
Q How long has Aurelia been dead? A Five months-she died the 27th of last September.  
Q About how old was she when she died? A Forty-two.  
Q Did she have any Choctaw blood? A Yes sir.  
Q How much? A One-fourth.  
Q Were you lawfully married to her? A Yes sir.  
Q Where? A Bolton, Hinds County, Mississippi.  
Q When? A On the 24th day of February, '81.  
Q Under a license? A Yes sir.  
Q Who married you? A A preacher by the name of John Lewis.  
Q Where was Aurelia born? A She was born in Bolton, Hinds County, Mississippi.  
Q Did she live in that County all her life? A Yes sir.  
Q Through which one of her parents did she get her Choctaw blood?  
Q Through her father.  
Q What was his name? A Richard ~~xx~~ Thomas, commonly called Dick Thomas.  
Q Is he living now? A No sir, he's dead.



Samuel A. Beadle for his six minor children--2

- Q How much Choctaw blood did he have? A One-half.
- Q How long has he been dead? A He died September 27th, 1890.
- Q About how old was he when he died? A Sixty-three I think-I am not certain-I think that's about it.
- Q Where was he born? A He was born near where he died, in Hinds County.
- Q Did he live there all his life? A Yes sir.
- Q Was he a slave? A Yes sir-that's my information; I think he was.
- Q Did he speak or understand the Choctaw language? A I don't, know sir, whether he did or not-I never heard him speak it.
- Q Through which one of his parents did he get his Choctaw blood?
- A Through his father-I believe.
- Q What was his name? A Jim Gibson.
- Q Did you ever see him? A No sir.
- Q You know nothing whatever about him, then? A No sir.
- Q Do you know where he lived? A Of my own knowledge, no sir; I am told he ~~lived~~ lived there on Mr. Thomas's place. My wife's father, Richard Thomas, was a full brother of Millie Harper who has appeared before the Commission at the appointment here at Meridian and made application for identification as a Mississippi Choctaw. I desire to have the record in her case, including the testimony of her witness Cud Thomas considered in the determination of the rights of my minor children for whom I make this application.
- Q Is the name of any one of these children for whom you make application to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- Q Has an application of any description ever been made before today for any one of these children for the purpose of establishing their rights as Choctaw Indians? A No sir.
- Q Do you know whether Richard Thomas and your wife's mother were lawfully married? A No sir, I don't know that-I know they lived together until one of them died.
- Q Do you know how long they lived together? A I think I heard them say they lived together sixteen or seventeen years.
- Q They began living together during slave times, didn't they? A Yes sir.
- Q You understand this 14th article of the treaty of Dancing Rabbit Creek thoroughly, do you not? A Yes sir.
- Q You are an attorney duly appointed to practice before the Commission to the Five Civilized Tribes and represent numerous Mississippi Choctaw claimants? A Yes sir.
- Q Did any of the ancestors of your children ever comply or attempt ~~to~~ to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits under it to your knowledge? A Not that I know of.
- Q You thoroughly understand what would constitute a compliance with that article, do you now? A Yes sir.
- Q Do you know whether any of them were, in fact, recognized members of the Choctaw Tribe of Indians here in Mississippi in 1830 when this treaty was made? A Of my own knowledge, no sir.
- Q What do you know about their being recognized members? A I don't know anything about it, to tell the truth.
- Q You understand the causes which brought about certain acts of Congress in 1837, 1838 and 1842, providing for the appointment of Commissioners to come down here to Mississippi and hear Choctaw

Samuel A. Beadle for his six minor children--3

- claims under this 14th article of the treaty and understand the provisions of these acts of Congress thoroughly, do you not? A Yes sir.
- Q Did any of the ancestors of any of your children appear before any of these Commissioners appointed under these acts of Congress and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q Did any of them ever get any scrip from the Government under the act of Congress approved August 23, 1842? A I don't know, sir.
- Q If any of the ancestors of any of your children ever received any benefits whatever as Choctaw Indians you never heard of it? A No sir.
- Q Did any of them ever live in Indian Territory, to your knowledge? A No sir.
- Q Do you know of any persons living who would likely know whether any of the ancestors of these children ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I do not.
- Q Do you know of any documentary evidence which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any witnesses here today to testify in your case? A No sir.
- Q Have you any written evidence of any kind to offer? A Not at this time.
- Q Are there any further statements you want to make? A No sir.
- Q Are any of your wife's brothers living? A Yes sir.
- Q How many? A Four brothers living I think.
- Q What are their names? A Alex Thomas-he has been before the Commission--Cuddy B. Thomas, Samuel Thomas and William Thomas.
- Q Has she any sisters living? A Yes sir, three.
- Q What are their names? A Carrie Williams, Mariah Thomas and Martha Thomas.

This witness is a colored lawyer of above the average intelligence, who represents numerous Mississippi Choctaw claimants who have presented their applications to the Commission.

-----

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, February 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 17th day of March, 1902, at Seale, Mississippi.

*L. D. Massey*  
Clerk U.S. Circuit Court, Southern District of Mississippi.

By *[Signature]*

Deputy.

Miss. Chootaw 4829

Muskogee, Indian Territory, June 2, 1902.

Samuel Alfred Beadle,  
727 West Pearl Street,  
Jackson, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter without date inclosing joint affidavit of Moses and Richard Harper as witnesses of your marriage to Aurelia W. Thomas, which you offer in support of your application for the identification of your minor children, Maud Beadle, et al. as Mississippi Chootaws. This affidavit, together with the certified copy of the marriage license heretofore filed by you, has been accepted as conclusive evidence of your marriage to Aurelia W. Thomas.

Yours truly,

Muskogee, Indian Territory, October 29, 1902.

Maude Beadle,  
 #727 Pearl Street,  
 Jackson, Mississippi.

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 Millie Harper, et al., embracing the following applications for identification as Mississippi Choctaws:

Millie Harper,	M C R 4618
Richard Harper, et al.,	" 4624
Lucy Swings,	" 4714
Bessie Lambert, et al.,	" 4717
Alfred Harper, et al.,	" 4720
Millie Daniels, et al.,	" 4716
Mintie Mack, et al.,	" 4715
William Mack,	" 4721
Mary Lemons, et al.,	" 4718
Sarah J. Lambert,	" 4713
Alfred Thomas, et al.,	" 4712
William Thomas,	" 4719
Alex Thomas, et al.,	" 4652
Maude Beadle, et al.,	" 4629.

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 Millie Harper, Richard Harper, Roberta Harper, Eddie Harper, John Harper, Dan Harper, James L. Harper, Rosie Harper, Jesse Harper, Lucy Ewings, Susie Lambert, Mary Lambert, Squire Lambert, Sophia Lambert, Alfred Harper, William Harper, Johnnie Harper, Moses Harper, Ermine Harper, George Harper, Millie Daniels, Alfred Daniels, Percy Daniels, Susie Belle Daniels, Josie Daniels, Mary L. Daniels, Mintie Mack, Henry Mack, Dock Mack, Alex Mack, Jimmie Mack, William Mack, Mary Lemons, Daisy Lemons, Sarah J. Lambert, Alfred Thomas, Jesse Thomas, Leona Thomas, Sarah Thomas, Floyd Thomas, William Thomas, Alex Thomas, Cuddie Thomas, Maude Beadle, Richard H. Beadle, Samuel M. Beadle, Mariah L. Beadle, Garnett Beadle and Elbert B. Beadle as Choctaw Indians entitled 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,

Registered.

Acting Chairman.

M.C.R.4829.

COPY.

Muskogee, Indian Territory, March 24, 1905.

Maude Beadle,

#727 Pearl Street,

Jackson, Mississippi.

Dear Madam:

You are hereby notified that on the 14th day of March, 1905, 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 Millie Harper, et al., of which decision you were advised by registered mail on the 29th day of October, 1903.

Respectfully,

(SIGNED).

*Wm. H. H. H.*

Chairman.

#1840

No. 4829

For Identification as a Mississippi Choctaw.  
Meridian Miss.

Date FEB 17 1902

Name Samuel A. Beadle  
for his own name or children.

Age 44

Blood

727 Pearl St.

Post Office, Jackson, Miss

Father:

Mother:

Claims through

Children:

Maud	Beadle	20
Richard H.	"	17
Samuel M.	"	14
Mariah L.	"	12
Garnett	"	(M) 10
Elbert B.	"	7
Mother Aurelia W.	Beadle	44

Father: *Maria* *John S. Beadle* Dr.  
 " *Richard* *Sam Beadle* f.b. &  
 Stenographer

*J. S. Kelly*

Choctaw MCR 4830

William Garrett

MCR 4830



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

-----:-----

In the matter of the application of William Garrett,  
for identification as a Mississippi Choctaw, M C R 4830.

List of papers forwarded to the Secretary of the Interior, comprising the record in the case of William Garrett.

	Page.
Original application of William Garrett to the Dawes Commission for identification as a Mississippi Choctaw .....	1
Decision of the Commission refusing the application of William Garrett for identification as a Mississippi Choctaw .....	6

4830

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, February 17th, 1902.

In the matter of the application of William Garrett for the identification of himself alone as a Mississippi Choctaw.

Said William Garrett, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A William Garrett.  
Q How old are you? A Forty-four the first day of last May.  
Q What's your postoffice address? A Vicksburg-305 Clay Street.  
Q How long have you lived there? A Lived there about nine (9) years.  
Q Where did you live before that? A I been traveling all my days nearly--in the first place I lived in California for about six years--I came here nine years ago and first stopped at Greenville and made Vicksburg my home for nine years.  
Q Where were you born? A In Neshoba County, Mississippi.  
Q How old were you when you left there? A I was about eight or nine years old.  
Q You have lived in this State all your life except when you were in California about six or seven years? A Yes sir.  
Q How much Choctaw blood have you? A I don't know exactly--My grandfather was a full blood Choctaw and my father was a half Choctaw--I don't know anything about my mother.  
Q That would make you a quarter, wouldn't it? A Yes sir.  
Q Is your father living? A No sir.  
Q What was his name? A Bill Shamley--he belonged to a Shamley.  
Q How long has your father been dead? A I don't know, sir, exactly--about twenty-three or four years.  
Q About how old was he when he died? A He was somewhere--I don't know exactly--I guess he was about fifty I reckon.  
Q Where was he born? A I don't know, sir--I used to hear him say--I don't know where he was born.  
Q Where did you hear him say he came from? A I know I heard him say he lived in North Carolina a long time.  
Q How old was he when he came to this country? A I never heard him say.  
Q You don't know how long he lived here before you were born? A No sir, I don't know how long.  
Q Haven't you any idea where he was born? A No sir, I never did hear him say.  
Q Did you ever hear him say he was born here in Mississippi? A No sir, I never did.  
Q Do you think he was born here? A I don't know, sir.  
Q Is your mother living? A No sir.  
Q What was her name? A Mary.  
Q She had no Choctaw blood? A No sir, I don't think she had.  
Q Were your father and mother married? A They was together--so they said--before the war--I don't know anything about it.  
Q How long after the war did they live together? A They lived together ten years I reckon.  
Q Until one of them died? A Yes sir, my father died.  
Q Through which one of his parents did your father get his Choctaw blood? A His father.

William Garrett--2

- Q What was his name? A Stoliby.
- Q What other name did he have? A I don't know, only Stoliby.
- Q Did you ever see Stoliby? A Yes sir.
- Q Where did you see him? A Up in Neshoba.
- Q He was your father's father? A Yes sir.
- Q How long has he been dead? A I don't know how long.
- Q Give us an idea how long? A I couldn't say.
- Q Did he have any Choctaw blood, this man Stoliby? A Yes sir.
- Q How much? A He was all Choctaw.
- Q How do you know he was your grandfather? A My father said he was--he claimed for his grandson--I used to go to his house and play with his children.
- Q What was the name of your father's mother? A I don't know, sir.
- Q Do you know whether she was married to this man Stoliby or not?  
A No sir, I don't know. father's
- Q Did she ever have any other children by Stoliby--your ~~mother's~~ mother? A Not as I know of--I don't know. his mother.
- Q Where was Stoliby ~~xxx~~ born? A I don't know--he lived in Neshoba County.
- Q When did you know him? A I knew him shortly after the surrender.
- Q How long had he lived in Neshoba County when you knew him? A He was living there when I knew him.
- Q Did he live in North Carolina too, with your father? A Not as I know of.
- Q What kind of an Indian was Stoliby? A He was Choctaw.
- Q Are you sure of that? A That's what they say he was.
- Q Can you speak the Choctaw language? A I can speak some words of it.
- Q Do you know the name of either one of S'oliby's parents? A No sir.
- Q How old would he be if he were living now? A I don't know.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q Have you any children? A No sir.
- Q Has she any Choctaw blood? A Not as I know of.
- Q This application, then, is for yourself only, is it? A Yes sir.
- Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? 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 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q You understand that 14th article, don't you? A No sir, not exactly.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get

these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six ~~month~~ 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 land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You have heard that 14th article read-now do you understand it?

A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under it? A No as I knows of.

Q Did any of them own any land here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made?

A Not as I knows of.

Q Did any of them, in fact, live here at that time-71 years ago? A I don't know, sir.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and ~~1838~~ 1838? A Not as I knows of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A No sir, I don't know about that.

Q Did any of them ever get any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I knows of.

William Garrett--4

Q Did any of them ever get any money from the Government? A Not as I know of.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases.

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

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

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

Q So far as you know, then, none of your ancestors ever were recognized members of the Choctaw Tribe of Indians or ever received any benefits, whatever, as such? A No sir.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with

William Garrett--5

the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know of any.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.

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

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of our appointments here in Mississippi this winter or Spring, at Meridian, Mississippi, between April 14th and April 30th, next, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

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

Q Have you any brothers or sisters living? A No sir.

Q Have you any brothers or sisters dead who left children? A No sir.

Q Are any of your father's brothers or sisters living? A Not as I know of.

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood seems to predominate. He does not speak or understand the Choctaw language.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 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 18th day of March, 1902, at Seale, Mississippi.

*L. B. Maxwell*  
Clerk U. S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]*

Deputy.

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

L. D.  
C. W.

-----

In the matter of the application of William Garrett for identification as a Mississippi Choctaw, M C R 4830.

—  
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 William Garrett for himself under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

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

It also appears that said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of one Stolby, who is alleged to have been a full blood Choctaw Indian.



It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 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 Stoliby, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Garrett as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of



the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*James D. Kirby*

Acting Chairman.

(SIGNED)

*T. E. Needles*

Commissioner.

(SIGNED)

*C. I. Breckinridge*

Commissioner.

Muskogee, Indian Territory,

NOV 20 1902

(COPY)

Land  
73218--1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, Feb. 27, 1902.

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 William Garrett for identification as a Mississippi Choctaw, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicant bases his claim for identification on his descent from Stoliby, 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 Bill Shanley, his son.

The Commission rejected the applicant November 20, 1902, because the name of his ancestor through whom he claims does 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 applicant has never been enrolled as a citizen of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Stoliby and Bill Shamley, 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 respectfully recommended that the decision of the Commission rejecting the applicant be approved.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

C.T.C.(S)

Muskogee, Indian Territory, November 20, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 20th day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of William Garrett, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Garrett 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 to file arguments in this office, and that at the expiration of said time the papers in the case, together with such

M. MCH. & C. —2

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

Respectfully,

Acting Chairman.

COPY.

.C.P. 4870.

Muskogee, Indian Territory, November 30, 1902.

William Garrett,

308 Bay Street,

Meridian, Mississippi.

Dear Sir:

You are hereby advised that on the 30th day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of William Garrett, an applicant for identification as a Mississippi Choctaw.

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

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

Said decision concludes as follows:

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Garrett 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."

William Garrett, ---2.

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

Respectfully,

(S)

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of William Garrett, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of December 6, 1902.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 4830



(COPY)

D C 8443-1903.

DEPARTMENT OF THE INTERIOR.

FHE

I.T.D. 2294-1903.

Washington.

L.R.S.

March 24, 1903.

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

Gentlemen:-

December 6, 1902, you transmitted the record in the case involving the application of William Garrett (M C R 4830), for identification as a Mississippi Choctaw, including your decision of November 20, 1902, refusing to identify him as such.

The applicant claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being a descendant of one Stoliby, who is alleged to have been a full blood Choctaw Indian, through Bill Shamley, his son, who is alleged to have been an one-half blood Choctaw.

The records fail to show that said applicant has ever been admitted or enrolled as a member of the Choctaw tribe of Indians, or that his alleged ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts relating thereto.

Reporting in the matter February 27, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

-2-

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

Respectfully,

(Signed) Thos. Ryan,

1 inclosure.

Acting Secretary.

Muskogee, Indian Territory, March 31, 1902.

Mansfield, McMurray & Oermish,

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

Gentlemen:

You are hereby notified that on the 24th day of March, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of William Garrett, of which decision you were advised by mail on the 20th day of November, 1902.

Respectfully,

*Tams Parke*  
Chairman.

COMMISSIONERS  
TAMM DIXIEY  
THOMAS H. NEEDLES  
C. R. DRUCKENRIDER  
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES. M.C.R. 4830

ALLISON I. AYLESWORTH  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory, March 31, 1903.

William Garrett,  
#305 Clay Street,  
Vicksburg, Mississippi.

Dear Sir:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw of which decision you were advised by registered mail on the 20th day of November, 1902.

Respectfully,



Chairman.

#1841

No. 4850

For Identification as a Mississippi Choctaw.

Meridian, Miss. Date 17 1932

Name William Garrett

Age 44 Blood 1/4

Post Office, Vicksburg Miss. Day W. #305-

Father: Bill Shamley (1/2) d

Mother: Mary " &

Claims through father

(4 children) ...

Children:

Salmon J. ... &

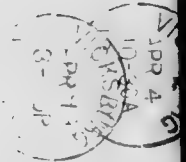
Stenographer

J. S. Niles

4830



POSTAGE  
PAID 100





Choctaw MCR 4831

William E. Stainback

See MCR 762

MCR 4831



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. February 24, 1902.

4831

In the matter of the application for identification as a Mississippi Choctaw of William E. Stainback.

J. G. Ralls attorney representing applicant.

William E. Stainback being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A William E. Stainback.  
Q What is your age? A Forty-three years the 2nd day of July.  
Q What is your post office address? A Ferris, Ellis County, Texas.  
Q How long have you lived at Ferris? A Since seventy-five.  
Q Where were you born? A Choctaw county, Alabama.  
Q How old were you when you left Alabama? A That is a pretty hard question, I was mighty small.  
Q About how old? A I was very small.  
Q You went from there to where? A To Mississippi.  
Q To what place in Mississippi? A Holmes County, Mississippi.  
Q And went from Mississippi to where? A Texas.  
Q How long did you live in Mississippi? A Four years.  
Q After you went to Texas, you remained there and still live there? A That is my home yet.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A William Stainback.  
Q What was your mother's name? A Susan Stainback, her maiden name was Cole.  
Q Through which parent do you claim Choctaw blood? A Through my mother's that is my grandmother, my mother's mother.  
Q How much Choctaw blood do you claim? A We suppose my grandmother was about one-quarter Indian, that would make my mother about one-eighth and me 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 about that?  
Q Are you married? A Yes, sir.  
Q Is your wife living? A Yes, sir.  
Q What is her name? A Grace Mozell Stainback, her maiden name was Hammond.  
Q Do you make any claim for her as having Choctaw blood? A No, sir.  
Q She is a white woman? A Yes, sir; she is a white woman.  
Q Have you any children that you want to make application for? A No, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian territory? A Not that I know of.

#2

- 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 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; not that I know of.
- Q Do you come before the Commission now to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of eighteen hundred and thirty? A I do.
- Q Do you understand that article of that treaty? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the twenty-seventh of September 1830. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and therefore, in order to protect the interests of those Indians who refused to go to the Choctaw Nation Indian Territory article fourteen was drafted and put into the treaty of eighteen hundred and thirty, it then was signed and afterwards was ratified. 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 Do you know whether any of your ancestors complied or attempted to comply with the provisions of this article of that treaty? A Not that I know of.
- Q You understand that now do you, that article? A Yes, sir; I think so.
- Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Lucinda Cole. Her maiden name was Tubb.
- Q What relation was she, Lucinda Cole, to you? A My grandmother, my mother's mother.
- Q Did she speak the Choctaw language? A If she did I don't know it.
- Q Did you know her personally? A Yes, sir.
- Q She lived in your life time? A Yes, sir.
- Q How long has she been dead? A Some fifteen or sixteen years.
- Q How old was she when she died? A I don't know that either; I don't know just exactly.
- Q Was she living in 1830? A Yes, sir.

#3

- Q Was she married and did she have a family of children in Mississippi or Alabama in 1830? A She had a family living there; I don't know whether it was in 1830 or not.
- Q She lived in Mississippi? A In Alabama.
- Q In what part of Alabama did she live? A Choctaw County; when she married she went to Alabama to Choctaw County.
- Q She was born where? A That would only be from hearsay, but she claimed she was born in Mississippi.
- Q You know where in Mississippi she was born? A No I do not.
- Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I could not tell about that.
- Q Did she or 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 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.
- Q Did you ever hear that any of your Choctaw ancestors went from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A I don't know whether they did or not. That was only just family talk I don't know whether they did or not.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know about that; they did in my days.
- Qx Do you know whether they claimed any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No, sir; I do not.
- Q Did any of them claim under any treaty made between the United States government and the Choctaw Indians? A Not that I know of.

The Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of article fourteen of the treaty of 1830, to go to the United States Indian Agent Colonel Ward within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register and his failure to do so caused a good many Indians who had land in Mississippi to lose both their land and the improvements; both were taken from them and sold by the government at its public land sales. This caused a great many complaints among the Choctaw Indians especially those who lost their land and as the result of these complaints Congress, in 1837, by act approved March 3<sup>rs</sup> of that year, appointed a Commission which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress by an act approved August 23<sup>rd</sup> of that year and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors to your knowledge appear before either of these two Commissions and claim benefits under article fourteen of that treaty? A Not to my knowledge.

The act of Congress approved August 23, 1842, provided; that if any Choctaw Indian proved his claim under article fourteen of

the treaty of Dancing Rabbit Creek; if it also further appeared that he had had land in Mississippi which the government had taken from him that he should be entitled to select land elsewhere either in Mississippi, Alabama, Louisiana or Arakansas 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 receive any such scrip from the government as Choctaw Indians? A I could not tell you.
- Q You claim through your mother Susan Stainback? A Yes, sir.
- Q Where was she born? A Choctaw County, Alabama.
- Q From there she went where? A Mississippi.
- Q What place in Mississippi? A Holmes County.
- Q How long did she live there? A Four years.
- Q From there she went where? A Texas.
- Q What place in Texas? A Ellis, County.
- Q Has she always lived there since? A When we went there we figured on going to the Indian Territory but did not go.
- Q She always lived there and died there? A Yes, sir; she died there in ninety-one.
- Q Have you any relatives who have been before this Commission who claimed the right to be identified as Mississippi Choctaws? A Yes, sir.
- Q What is the name of some of them? A Ikards and Tubbs.
- Q Lafayette E. Ikard? A Yes, sir.
- Q And others? A Yes, Milt Ikard and other.
- Q They all claim through the same common ancestor Lucinda Cole? A They claim through they Tubbs.
- Q Do they all claim down through the same common ancestor? A I don't know whether I understand what you mean.
- Q Are they all related to Lucinda Cole? A Yes, sir.
- Q Do they all claim through Lucinda Cole? A They all claim through their mother or father.
- Q What is his name? A Tubbs.
- Q What is the full name? A George Tubbs.
- Q What relation was Lucinda Cole to George Tubbs? A Lucinda Cole is George Tubb's daughter I believe.-----No, it is this way; My grandmother, Lucinda Cole and George Tubbs were brothers and sisters and Milton Ikard's mother and my grandmother are sisters.
- Q What was the name of Lucinda Cole's father? A You are too hard for me.
- Q Her maiden name was Tubb's? A Yes, sir.
- Q But you don't know the name of her father? A No, sir; I don't know any further back than her.

This applicant refers to the case of Lafayette E. Ikard, et al., No. 762 under which under cases have been consolidated as being cases of applicants claiming through the same common ancestor through whom he claims.

- Q Is there any other evidence you want to introduce now in support of this claim?

By attorney: No, sir.

By the Commission.

#5

Q Do you want time in which to introduce further testimony?

By attorney: We would be glad to have a reasonable time.

By the Commission:

A reasonable time will be allowed this applicant in which to introduce other proof if furnished under the rules of the Commission.

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

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

This applicant has the physical appearance and characteristics of being descended from white parentage; brown eyes; ruddy complexion; brown hair and sandy mustache; has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 24, 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 27th day of February 1902.

*Clara Mitchell Wood*

Notary Public.

Muskogee, Indian Territory, January 2, 1903.

W. A. Orr,

Ferris, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th ultimo, enclosing joint affidavit of T. G. Cole and S. E. Johnson, offered for filing in support of the application of William E. Stainback for identification as a Mississippi Choctaw.

You state that the affidavit enclosed is a duplicate of one forwarded for filing in this case, which you discovered was not in correct form.

In reply to your letter you are informed that there was received on this date from W. E. Stainback the joint affidavit of T. G. Cole and S. E. Johnson for filing in his case, and the same was returned for the reason that the notarial seal of the Notary Public, before whom it was acknowledged, was not affixed.

The document forwarded by you has been duly filed with the record in the case of William E. Stainback.

Respectfully,

Acting Chairman.

M.C.R. 4831.

Muskogee, Indian Territory, January 2, 190<sup>2</sup>.

W. E. Stainback,

Ferris, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th ultimo, enclosing the joint affidavit of T. G. Cole and S. E. Johnson to the marriage of W. W. Stainback and S. I. Cole, and letter of W. H. Lindsey, Clerk of the Circuit Court of Choctaw County, Mississippi, relative to said marriage, offered for filing in support of your application for identification as a Mississippi Choctaw.

The joint affidavit of T. G. Cole and S. E. Johnson is herewith returned to you for the reason that the Notary Public before whom the same was subscribed failed to affix his notarial seal.

The letter of W. H. Lindsey, Clerk of the Circuit Court, has been filed with the record in your case.

Respectfully,

Acting Chairman.

Enc.  
R.E.B.104.

M.C.R. 4831.

Muskogee, Indian Territory, May 1, 1905.

William E. Stainback,

Morris, Texas.

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.



JAMES HENRY  
THOMAS G. NEELEY  
W. B. STANLEY

COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER TO THE FOLLOWING

M. C. R. 4831

ALLISON L. AYERSWORTH  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**William E. Stainback,**

**Ferris, Texas.**

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearste, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R.	5727
Amma Wamble, et al.	M. C. R.	3438
Hugh S. Moore, et al.	M. C. R.	5729
George H. Moore	M. C. R.	5730
Fannie B. Waltrip	M. C. R.	5728
Marcellus Moore, et al.	M. C. R.	5221
Iylene Posey, et al.	M. C. R.	5226
Irene Burleson, et al.	M. C. R.	5225
Benjamin F. Moore, et al.	M. C. R.	5231
John H. Moore	M. C. R.	5233
George W. Moore	M. C. R.	5234
Frank E. Moore	M. C. R.	5232
Ula Rebecca Moore	M. C. R.	5230
Lydia J. Singleton, et al.	M. C. R.	5135
Alice M. Godfrey, et al.	M. C. R.	5229
Lee O. Moore, et al.	M. C. R.	5137
Sallie W. Roberts, et al.	M. C. R.	5228
George Newton Whipple, et al.	M. C. R.	5223
Annie G. Wilson, et al.	M. C. R.	5919
William Alexander Moore	M. C. R.	5906
Richard P. Moore	M. C. R.	5925
Lydia A. Sheppard	M. C. R.	5918
Robert Lee Moore, et al.	M. C. R.	5922
John A. Moore, et al.	M. C. R.	5923
Glen M. Robinson	M. C. R.	5924
Ida Robinson, et al.	M. C. R.	5917
Aylmer Moore, et al.	M. C. R.	5705
Lydia E. Moore	M. C. R.	5709
Fannie Adella Moore	M. C. R.	5710
Jane A. Moore	M. C. R.	5711
William G. Tubb, et al.	M. C. R.	5712
Beile Ikard	M. C. R.	765
Robert E. Ikard	M. C. R.	4458
Willie May Ikard	M. C. R.	4459
Elisha F. Ikard	M. C. R.	779
John M. Ikard, et al.	M. C. R.	457
Eugene F. Ikard, et al.	M. C. R.	776
Suewillie Ikard Camuse	M. C. R.	784
Cleo Ikard Harris, et al.	M. C. R.	781
Lucile Ikard	M. C. R.	786
William S. Ikard, et al.	M. C. R.	5718
Milton Ikard, et al.	M. C. R.	767
William E. Ikard, et al.	M. C. R.	760
Ella Harris, et al.	M. C. R.	4894
Sallie E. Johnson	M. C. R.	5237
Thomas J. Cole, et al.	M. C. R.	5975
Jennie O. Hipp, et al.	M. C. R.	5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

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 Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Aline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzzy Moore, Annie May Moore, Graham Moore, Iylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burlison, R. D. Burlison, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

SIGNED:

*Tamo Dixby.*

Chairman.

Registered.

For Identification as a Mississippi Orphan.

Date

FEB 21, 1902.

Name William C. Stainback

Age 43

Blood 1/16

Post Office, Ferris, Texas,

Father: William Stainback, d

Mother: Susan J. " d

Claims through mother,  
wife,  
Grace Moyell " l. w.  
No claim for wife.

Children:

Claims for self alone.

Stenographer

G. Rosenwinkel

Choctaw MCR 4832

John M. Satterfield

MCR 4832

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

-----|-----

In the matter of the application of John M. Satterfield, et al., for identification as Mississippi Choctaws. H.C.R. 4832.

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

Original application of John M. Satterfield, et al., to the Dawes Commission for identification as Mississippi Choctaws.....1  
Affidavit of Hetsay Kemp.....7  
Decision of the Commission refusing the application of John M. Satterfield, et al., for identification as Mississippi Choctaws.....8.

-----|-----



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. February 24, 1902.

4832

In the matter of the application for identification as Mississippi Choctaws of John M. Satterfield for himself and his four minor children, Cora, George, Tom and Vera Satterfield.

Applicants not represented by attorney.

John M. Satterfield being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A John M. Satterfield.  
Q What is your age? A Forty-one.  
Q What is your post office address? A Chickalah, C-h-i-c-k-a-l-a-h  
Q Indian Territory? A Arkansas.  
Q How long have you lived at Chickalah? A Forty-one years.  
Q Born there? A Yes, sir.  
Q What County is Chickalah? A Yell County.  
Q Father living? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q Through which parent do you claim Choctaw blood? A On my father  
's side.  
Q What was his name? A William C. Satterfield.  
Q What was your mother's name? A Elizabeth.  
Q How much Choctaw blood do you claim? A Well, I don't know just  
exactly; my great grandmother so they say was a full blood, Choc-  
taw.  
Q Your grandmother would be half of that? A Yes, sir.  
Q How much would that be? A That would be one-half.  
Q Your grandmother would be one-half; how much would your father  
be then if his mother would be one-half? A One-quarter.  
Q And you would be one-half of one-quarter or one-eighth? 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 United States authorities in Indian Territory?  
A No, sir; he made his application here.  
Q He made his application to be identified as a Mississippi Choc-  
taw? A Yes, sir; in ninety-six.  
Q You mean he applied in ninety-six for enrollment? A Yes, sir.  
Q What was done with that application? A It was not allowed.  
Q At that time did he apply for anybody besides himself, wife  
and children? A Yes, sir; his wife and children.  
Q Did he apply for you? A Yes, sir.  
Q And yours was rejected with his application? A Yes, sir.  
Q Have you proof of the marriage of your father and mother with  
you? A No, sir.  
Q You think you can introduce that proof later? A Yes, sir.

A reasonable time will be allowed for that purpose.

- Q Can you tell when and where your father and mother were married?  
A I can't say when but they were married in Yell County, Arkansas.
- Q By a minister and under a license? A I don't know.
- Q Where was your father born? A He was born in Mississippi.
- Q Where in Mississippi if you can tell? A I don't know where.
- Q How long did he live in Mississippi? A Not very long; I think he came to this Country when he was a child.
- Q What Country? A Arkansas.
- Q Did he always live in Arkansas? A Yes, sir.
- Q Died there? A Yes, sir.
- Q Have you a wife living? A Yes, sir; I got a wife living but I am not married to her.
- Q I don't understand you? A I have a wife living but we are not married now. We are divorced.
- Q Is she the mother of the children for whom you wish to make application? A Yes, sir.
- Q Is she a white woman? A Yes, sir.
- Q What is her name? A Nannie E.
- Q You say you are divorced from her? A Yes, sir.
- Q You remember the date of that divorce? A No, sir I do not.
- Q Well, can you tell about how long ago? A About five years ago.
- Q Divorced in Arkansas? A Yes, sir.
- Q Did you get a divorce? A Yes, sir.
- Q Have you children by this wife for whom you wish to make application? A Yes, sir.
- Q Are you married now to anyone else? A No, sir.
- Q Give me the name of the oldest child? A Cora.
- Q How old is she? A Let me see----I got their ages down here,--seventeen.
- Q The next? A George.
- Q How old is he? A Fifteen.
- Q Next? A Tom.
- Q Tom or Thomas? A Tom.
- Q How old is he? A Thirteen.
- Q Next? A Vera.
- Q How do you spell that? A V-e-r-a.
- Q How old? A Eleven.
- Q Is Nannie E. your divorced wife, the mother of these children?  
A Yes, sir.
- Q Are they living with you at your home? A Yes, sir.
- Q You claim for yourself and 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 citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A Nothing any more than to the Dawes Commission.
- Q You never made application to the Choctaw tribal authorities?  
A No, sir.
- Q Did you ever make application for yourself and children or anyone for you or your children to the Dawes Commission under the act of June 10, 1896? A Yes, sir.
- Q Who made that application, your father? A Yes, sir.
- Q What was his name? A William C. Satterfield.
- Q You say that application was rejected by the Commission? A Yes, sir.
- Q Did you or did he take an or did anyone take an appeal to the United States District Court from the decision of the Commission?  
A No, sir.

#3

- Q And that decision has been allowed to be final in the case of yourself and your children? A I guess so.
- Q Well nothing further has been done about it? A No, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before this Commission to identify yourself and your children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A I think so, I don't know that I do.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th of September 1830. The object of that treaty was to secure the removal of the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama from that old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and so in order to protect the interests of these Indians who stayed back there in the old Choctaw Nation, article fourteen was put into that treaty. 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 Do you think you understand that article well enough to claim under it? A I don't know; my people came to Arkansas in 1837 I don't think they claimed any.
- Q Do you understand that article as read and explained to you so that you can make this claim under it? A I think I do.
- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article? A That I do not know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Hester Laymon.
- Q How do you spell that? A J-a-m-o-n, she married a man by the name of George Denton.
- Q Hester Lamon then is her maiden name? A Yes, sir.
- Q Was George Denton a white man? A Yes, sir.
- Q How much Choctaw blood did she have? A She was full blooded, so they tell me.

#4

- Q Did she live in Mississippi or Alabama in 1830? A Yes, sir; I think so, they came from Mississippi in 1837.
- Q Did she live in Mississippi in 1830? A I reckon she did.
- Q Did she have a family there at that time? A I think she did.
- Q How old would she be if living now? A That is too hard for me.
- Q Do you know where she died? A Yes, sir; she died in Arkansas.
- Q Do you know when? A No, sir.
- Q Do you know when and where she was born? A I don't know that.
- Q Did she claim through her father and mother both? A I don't know.
- Q Well you claim she was a full blood, she must have claimed through both parents? A Yes, I guess so.
- Q You know their names? A No, sir.
- Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- 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, Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know that. I think not.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know that.
- Q Who was it, you said went to Arkansas in 1837? A Hester Denton.
- Q But you have not heard that she or any of your ancestors came to the Indian Territory? A No, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama under article fourteen of the treaty of eighteen hundred and thirty? A No, sir; not that I know of.
- Q Did any of your Choctaw ancestors own or claim 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 No, sir.
- Q Did any of them claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A Not that I know of.

In 1837 by act of Congress approved March 3, of that year a Commission was appointed to go to Mississippi and hear claimants under article fourteen of the treaty of Dancing Rabbit Creek. In 1842 by act of Congress approved August 23, of that year another Commission was appointed by Congress to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. Both of these Commissions were appointed to decide the claims of Choctaw Indians who claimed that they had been before Colonel Ward the United States Indian Agent within six months from the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi, take land there and become citizens of the United States but that their names had not been upon upon his list known as Ward's register. A good many Indians who held land in Mississippi lost both their land and the improvements because of this neglect of the United States Indian Colonel Ward.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A Not that I know of.

The act of Congress approved August 23, 1842, provided; that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830; if it also further appeared that he had had land in Mississippi which the government had taken from him

and sold at its public land sales that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government lands and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government? A I think not; I don't remember.
- Q Have you had any relatives who have been here and made application to be identified as Mississippi Choctaws? A Not any more than what was made in ninety-six.
- Q No one has been here to be identified as a Mississippi Choctaw that you are related to? A No, sir.
- Q Do you speak the Choctaw language? A No, sir.
- Q Have you any evidence that you want to present further? A Yes, sir.
- Q Have you a witness here? A Yes, sir.
- Q What is the name of your witness? A I don't know; it is on there (referring to document)
- Q Is it Betsy Kemp? A Yes, sir; I think so.
- Q Is this the sworn statement of Betsy Kemp that you introduce now? A Yes, sir.
- Q You want to have it made a part of the record in your case? A Yes, sir.

The ex parte affidavit of Betsy Kemp presented by this applicant, received, filed, marked exhibit "A" and made a part of the record in this case.

- Q Is there anything more that you want to say? A No, sir.

Applicant excused.

Betsy Kemp called as a witness in behalf of the applicants in this cause after being first duly sworn testifies as follows:

Examination by the Commission through Morgan Cole, who has been duly sworn as interpreter in this cause.

- Q What is your name? A Betsy Kemp.
- Q How old are you? A Eighty-six.
- Q Where do you live? A Cedar County.
- Q Indian Territory? A Yes, sir.
- Q Are you a full blood Choctaw Indian? A Yes, sir.
- Q How long have you lived in the Choctaw Nation Indian Territory? A A long time.
- Q Fifty or sixty years? A Between fifty and sixty years.
- Q Are you a Choctaw citizen? A Yes, sir.
- Q You live six miles North of the town of Antlers? A Yes, sir.
- Q Does she know John M. Satterfield? A I don't know him.
- Q John M. Satterfield, this man here (indicating) this applicants who wants to be identified as a Mississippi Choctaw does she know him? A She don't know him.
- Q What does she know about John M. Satterfield having Choctaw Indian blood? A Well, she knows Hester Lamon.
- Q What relation was Hester Lamon to John M. Satterfield? A She don't know whether he is any relation or not.
- Q Tell her to look at this man over here (pointing to John M. Satterfield applicant) and say who he is? A She says she don't know.
- Q How does she know that Hester Lamon whom she says she knew was a relative of John M. Satterfield? A She don't know; she only knows Hester Lamon.

#6

- Q Where did you first know Hester Lamon? A She used to know her in Mississippi.
- Q Did Hester Lamon ever live in Tennessee? A Yes, sir.
- Q Did she know her in Tennessee or Mississippi or both? A She knew her in Mississippi.
- Q Was she a full blood Choctaw? A Full blood.
- Q How old was she when you last saw her? A About fifty years.
- Q Where did she last see her in Mississippi or where? A In Big Cane.
- Q Where was that in Arkansas, Mississippi or where was it; where was Big Cane Creek? A Mississippi.
- Q Did Hester Lamon go from Mississippi to the Indian Territory or from Mississippi to Arkansas? A Arkansas.
- Q Never came to the Indian Territory? A No, sir.
- Q Who did she marry? A George Denton.
- Q Was he a white man or Indian? A White man.
- Q He never came to the Territory? A He stopped over in Arkansas.
- Q When did Hester Lamon go from Mississippi to Arkansas? A She don't know.
- Q How many years ago? A She don't know.
- Q How old were you when George Denton and his wife went from Mississippi to Arkansas? A About sixteen.
- Q It was when she was sixteen years old when she last saw her? A Yes, sir.
- Q Does she know anything more about John M. Satterfield's claim? A No, sir; that is all.
- Q And she don't know that John M. Satterfield is related to Hester Lamon who married George Denton? A No, sir; she don't know that.
- Q Does she want to say anything more about this case? A No, sir.
- Q Was Hester Lamon much older than you when you knew her? A Yes, she was older.

Witness excused.

This applicant has the appearance and physical characteristics of being descended from white parentage; black hair; brown eyes; medium dark complexion, light mustache; he has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830?

Applicant recalled.

- Q You don't speak the Choctaw language or understand it? A No, sir; I don't know but one word that I can speak in Choctaw.

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 24, 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.

Subscribed and sworn to before me this 1st day of March 1902.

*G. Rosenwinkel*  
Notary Public



21177  
C.W.

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

-----|-----

In the matter of the application of Jehn M. Battenfield, et al., for identification as Mississippi Cheetaws. M.C.R. 4832.

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

It appears from the record herein that application for identification as Mississippi Cheetaws was made to this Commission by Jehn M. Battenfield for himself and his four minor children, Cera, George, Tom and Vera Battenfield, under the following provision of the act of Congress approved June 26, 1892, (26 Stats., 495):

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

It also appears that all of said applicants claim rights in the Cheetaw lands under article fourteen of the treaty be-

(2).

tween the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Hester Denton (nee Lamon or Layman), who is alleged to have been a fullblood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that 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 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 approved June 10, 1896, (29 Stats., 321), that application was made in behalf of John M. Batterfield, applicant herein (1896 Choctaw citizenship case number 530), which application was denied and no appeal was taken from such decision in the time prescribed by the provisions of said act.

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



(3).

the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Hester Denton (nee Lanon or Layman), or ancestors 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 Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John M. Satterfield, Cora Satterfield, George Satterfield, Tom Satterfield and Vera Satterfield 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.

*Fame Dixey.*

Acting Chairman.

*D. Hoodles.*

Commissioner.

Muskogee, Indian Territory,

NOV 1 1902

*C. D. Drockinriides.*

Commissioner.

COPY

Muskogee, Indian Territory, November 1, 1902.

John M. Satterfield,

Chickalah, Arkansas.

Dear Sir:-

You are hereby advised that on the first day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John M. Satterfield, 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 John M. Satterfield, Cora Satterfield, George Satterfield, Tom Satterfield, and Vera Satterfield as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case,

J. M. S., 2.

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

Respectfully,

*James Smith*  
Acting Chairman.

Registered.

Muskogee, Indian Territory, November 1, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the first day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John M. Satterfield, 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 John M. Satterfield, Cora Satterfield, George Satterfield, Tom Satterfield, and Vera Satterfield as Choctaw Indians entitled 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

M., McM. & C., 2.

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,

*George S. ...*  
Acting Chairman.

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of John M. Satterfield, 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 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.4832.

C O P Y.

Department of the Interior,  
Office of Indian Affairs,

Land  
69820-1902.

Washington, December 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made November 17, 1902. by the Acting Chairman of the Commission to the Five Civilized Tribes forwarding the record in the matter of the application of John M. Satterfield for the identification of himself and his three minor children, Cora, Tom and Vera Satterfield, as Mississippi Choctaws claiming rights under the fourteenth article of the Choctaw treaty of 1830.

November 1, 1902, the Commission held that the applicants were not entitled to identification.

Descant is claimed from Hester Denton (nee Laymon or Laman) it being claimed that she was a member of the Choctaw tribe of Indians in Mississippi in 1830, and who complied or attempted to comply with the provisions of article 14 of the treaty.

The applicants are not full-blood Choctaw Indians.

A careful search of the records of this office fails to show that Hester Denton (nee Laymon or Laman) received a patent for land under the provisions of article fourteen of the treaty of 1830 or complied or attempted to comply with the provisions thereof; ~~neither~~ does it appear that she applied to the Commission appointed under

Acts of March 3, 1837 and August 23, 1842 for an adjudication of her rights, if she had any, as a Choctaw Indian.

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

Very respectfully,

W.A. Jones,  
Commissioner.

ETC.  
D.



## DEPARTMENT OF THE INTERIOR.

ITD. 7847-1902. WASHINGTON. January 2, 1903.

SRS.

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

Gentlemen:

November 7, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of John M., Cora, George Tom and Vera Satterfield.

The applicants endeavor to trace their descent from one Hester Denton (nec Lamon or Layman), alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Hester Denton, or a less remote ancestor of the applicants, 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., 130) and August 23, 1842 (5 Stat., 513). It is shown that under the act of June 10, 1896 (29 Stat., 321), the Commission denied the application of John M. Satterfield for enrollment as a Choctaw citizen, and that no appeal was taken from your decision. On November 1, 1902, you refused, the present application.

Forwarding the papers December 17, 1902, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has carefully considered the case and hereby affirms your decision.

1 inclosure

Respectfully,  
Thos. Ryan, Acting Secretary

Muskogee, Indian Territory, January 12, 1903.

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

Gentlemen:

You are hereby notified that on the 2nd day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John M. Satterfield, et al ., of which decision you were advised by mail on the 1st day of November, 1902.

Respectfully,

Acting Chairman.

M.C.R. 4832

Muskogee, Indian Territory, January 12, 1903.

John M. Satterfield,  
Chickalah, Arkansas.

Dear Sir:

You are hereby notified that on the 2nd day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John M. Satterfield, et al ., of which decision you were advised by registered mail on the 1st day of November, 1902.

Respectfully,

Acting Chairman.

M C R 4832

Muskogee, Indian Territory, July 19, 1906.

John M. Satterfield,

Dexter, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 29, 1906, by reference from the Secretary of the Interior. Therein you request that there be sent you the "whole proceedings regarding rights of citizenship," as you understand that you have to make "an additional testimony."

It is presumed from your letter that you desire the original record in the matter of your application for identification as a Mississippi Choctaw to assist you in preparing a motion for rehearing, and you are advised that said original record is either in the office of the Secretary of the Interior or the Commissioner of Indian Affairs, Washington, D. C.

You are further advised that there is now no authority of law for the reception of applications for rehearings in Mississippi Choctaw cases. The time within which the same could be filed expired June 25, 1906.

Respectfully,

Commissioner.

March, 13, 1902

One copy of testimony  
of John M. Gatterfield to  
Col. O. M. Wisdom.

No. 4832

For Identification as a Mississippi Choctaw.

1902

Date

~~4832~~

Name John M. Satterfield,

Age 41 — Blood 1/8

Post Office, Chickalah, Ark.

Father: William C. " d

Mother: Elizabeth " b

Claims through father  
wife. Nannie E. " b. w.  
(divorced) —

Children:

- Cora Satterfield, 17.
- George " 15-
- Tom " 13
- Vera " 11

Claims for self & children.

Stenographer G. Roemmigle

Choctaw MCR 4833

: McLelland Been

See MCR 41

MCR 4833

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. February 24, 1902.

4833

In the matter of the application for identification as a  
Mississippi Choctaw of McClelland Been.

Applicants represented by attorney L. P. Hudson.

McClelland Been being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A McClelland Been.  
Q What is your age? A Thrity-five.  
Q What is your post office address? A Parker, Oklahoma.  
Q How long have you lived in Parker or near there? A I moved there about ninety-three.  
Q And have lived there since? A Yes, sir.  
Q Where were you born? A Worth County, Missouri.  
Q How long did you live in Missouri? A I lived there until I came to Oklahoma.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A No, sir.  
Q What is your father's name? A Henry Been.  
Q What is your mother's name? A Jane Been.  
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 I don't know.  
Q How old would your mother be if living now? A I think about seventy-two.  
Q Where was she born? A In Mississippi.  
Q What place in Mississippi? A I could not tell you.  
Q How long did she live in Mississippi? A I could not tell you.  
Q Where did she go to from Mississippi? A I think to Iowa I am not sure.  
Q Where did she die? A In Oklahoma.  
Q Did she go from Iowa to Oklahoma? A No, sir; to Missouri and from Missouri to Oklahoma.  
Q You don't know how old she was when she died? A About seventy-two.  
Q When did she die? A Two years ago the twentieth of this month.  
Q She was then probably born in Mississippi? A Yes, Mississippi.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir; not that I know of.  
Q Are you making application for yourself alone? A Yes, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A  
A No, sir.



#2

- Q Have you ever made application for enrollment as a Choctaw citizen to the Daves Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A I don't believe I do.
- Q You understand what a treaty is I suppose? A Well I don't hardly know what it is.
- Q You know what a contract in writing is? A Yes, sir.
- Q Well a treaty is the same thing as a contract in writing but it is made between Nations instead of people, you see the distinction there? A Yes, sir.

The treaty of eighteen hundred and thirty some times called the treaty of Dancing Rabbit Creek, because it was made at a place by that name in eighteen hundred and thirty, in Mississippi was a treaty, the object of which, or the principal object of which was, to remove all the Choctaw Indians who lived in the old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect their interests article fourteen was put into the treaty of 1830. It was then ratified, after it was signed and the 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 for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion 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, sir.
- Q Did any of your Choctaw ancestors comply with any of the provisions of that article? A I don't know whether they did or not.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Yokotubbee.
- Q How do you spell that? A I don't know.

(By attorney: Y-o-c-o-t-u-b-b-e-e)

- Q Did he have an English name? A No, sir.
- Q Was he a full blood Choctaw Indian? A Yes, sir.
- Q Did he speak the Choctaw language? A That I could not say.
- Q What relation was Yokotubbee to you? A She was my great-great grandmother.

- Q Oh! Was it a woman? A Yes, sir.
- Q When was Yokotubbee born? A I don't know.
- Q Where was she born? A I don't know.
- Q When and where did she die? A I don't know.
- Q Who was her immediate descendant in a direct line; I mean was it a son or daughter? A A daughter I think.
- Q You claim through a daughter of Yokotubbee? A Yes, sir.
- Q What was her name? A Cunningham.
- Q What was her full name? A I could not tell you.
- Q Cunningham was her married name? A Yes, sir.
- Q What was her husband's name? A William Cunningham.
- Q Through which of their descendants do you claim, son or daughter? A Daughter.
- Q What was the daughter's name? A Well I could not tell you what her given name was? A
- Q Do you know what her name was after she was married? A Yes, sir.
- Q What was it? A Jones.
- Q What relation was she to you this Jones? A She would be my grandmother.
- Q And you claim through your grandmother's daughter Jane? A Yes, sir, that would be my mother.
- Q And her name would be Jane Jones? A Yes, sir.
- Q And she married Henry Been? A Yes, sir.
- Q Which of these ancestors that you have mentioned lived in Mississippi in 1830? A I could not tell you.
- Q You think Yokotubbee lived in Mississippi or Alabama in 1830? A I suppose he did. I know my mother was born in Mississippi.
- Q I want to find out which of your ancestors lived in Mississippi in 1830 and had a family there at that time? A I suppose my grandmother and great grandmother.
- Q Both of them? A Yes, sir.
- Q Your grandmother's name was what? A Jones.
- Q You don't remember her maiden name? A No, sir. I don't.
- Q You think she lived in Mississippi in 1830? A Yes, sir.
- Q And had a family there then? A Yes, sir.
- Q Can you tell how old she would be if living now? A No, sir; I could not.
- Q Your mother would be seventy-two years old if living now and she was born in Mississippi? A Yes, sir.
- Q And her mother's name was Jones? A Yes, sir.
- Q The maiden name was what? A Cunningham.
- Q Her husband's name was William? A Yes, sir.
- Q Then your grandmother who lived in Mississippi in 1830 married a William Cunningham? A Yes, sir.
- Q What was her maiden name? A Why it was Cunningham.
- Q Well she married a Cunningham? A No, sir; not a Cunningham; I want to make a correction, my grandmother's maiden name was Cunningham, her married name was Jones.
- Q Well this grandmother, anyway, who married Jones and whose maiden name was Cunningham lived in Mississippi in 1830 where your mother was born, seventy-two years ago? A Yes, sir.
- Q Did any of your Choctaw ancestors own any improvements on lands in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know whether they did or not.

#4

- Q Did they go from the old Choctaw Nation to the Choctaw Nation Indian Territory between 1833 and 1838 do you know? A No, sir; I don't know.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any lands or claim any in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Well I don't know that.
- Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A I don't know.

The Choctaw Indians who remained in Mississippi and Alabama after the treaty of 1830 was ratified in order to take advantage of the provisions of that article fourteen of the treaty were required to go to the United States Indian Agent within six months from the ratification of the treaty and tell him that they intended to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His failure to do this caused a good many Indians who had land in Mississippi and Alabama to lose both the land and the improvements, they were both taken from them by the government and sold, this caused so many complaints among the Choctaw Indians that Congress appointed a Commission in 1837. This Commission went to Mississippi and heard claimants under that article of that treaty. In 1842 another Commission was appointed by Congress for the same purpose and that Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under that article of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians which entitled them to select land in either Mississippi, Alabama, Louisiana or Arkansas to take the place of land the government had taken from them in Mississippi? A I don't know that either.
- Q Have you any documentary or any other proper evidence that you want to introduce now?

Here L. P. Hudson, attorney for applicants, asks leave to file written evidence 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 relatives who have appeared here to be identified as Mississippi Choctaws? A My brother William E. Been and J.H. Dunn.

William E. Been, et al, number 4675, is here referred to as the title of the case under which all these cases will be consolidated, claiming through the same common ancestor.

- Q You want to have your case consolidated with William E. Been's and all the cases who claim through the same common ancestor, and considered together? A Yes, sir.
- Q Is there anything more you want to say? A No, sir.

#8

This applicant has the appearance and physical characteristics of being descended from white parentage; dark complexion; dark brown hair; gray eyes, light mustache. He has no knowledge of the Choctaw language.

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

and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 24, 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 8 day of March 1902.

*W. H. Wood*  
Notary Public.

Muskogee, Indian Territory, February 17, 1903.

McClelland Been,

Parker, Oklahoma.

Dear Sir:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R.	41
Annie Catherine Cololasure, et al.,	M.C.R.	43
John H. Dunn, et al.,	M.C.R.	42
Mollie C. Little, et al.,	M.C.R.	5569
William H. Dunn, et al.,	M.C.R.	5015
Henry E. Dunn, et al.,	M.C.R.	4998
John H. Fraley, et al.,	M.C.R.	5894
William A. Fraley, et al.,	M.C.R.	5915
Ida F. Moore, et al.,	M.C.R.	5896
Mollie J. Perrymore, et al.,	M.C.R.	5895
John Fraley, et al.,	M.C.R.	6053
George W. Fraley,	M.C.R.	6054
Martha H. Thomas, et al.,	M.C.R.	4834
William Thomas,	M.C.R.	4836
Hilton Thomas,	M.C.R.	4837
George M. Thomas,	M.C.R.	4838
William Been, et al.,	M.C.R.	4675
McClelland Been,	M.C.R.	4833
Jenettie M. Lathrum, et al.,	M.C.R.	4835
William W. Lee, et al.,	M.C.R.	5567
Otis Lee, et al.,	M.C.R.	4967
Inez G. Curley, et al.,	M.C.R.	5541
Ob Dunn, et al.,	M.C.R.	5274
Arlena M. Kreipke, et al.,	M.C.R.	6219
John F. Zachery,	M.C.R.	6220
Irene J. Zachery, et al.,	M.C.R.	6217
Anna Belle Zachery,	M.C.R.	6218

These applications were made under the provision of the act of Congress of June 2, 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 Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Bernie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Fesairl E. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bue Perrymore, Ora M. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha H. Thomas, Frank V. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Josie Been, Eggie E. Been, McClelland Been, Jenettie W. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icil Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Larton Curley, Ob Dunn, Ura Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena H. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled 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

McClelland seen, -3

the applications made by John H. Dunn for the identification of his wife, Mollie Dunn, and by Mollie C. Little for the identification of her husband, Willie Little, as intermarried Mississippi Cheetaws, 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)

*Jams Bixby.*

Acting Chairman.

Registered.



M.C.R. 4833

Muskogee, Indian Territory, August 27, 1904.

McLellan Been,

Parker, Oklahoma Territory,

Dear Sir:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ananda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

(SIGN)

Chairman.



No. 4833

For Identification as a Mississippi Choctaw.

Date FEB 21 1902

Name McLelland Been

Age 35. Blood 1/16

Post Office, Parker, Okla.,

Father: Henry Been, l.

Mother: Jane " d

Claims through, mother

~~XXXXX~~

Claims for self  
alone

XXXXXXXXXX

Choctaw MCR 4834

Martha M. Thomas

See MCR 41

MCR 4834

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. February 24, 1902.

4834  
4334

In the matter of the application for identification as Mississippi Choctaws of Martha M. Thomas for herself and her eleven minor children, Frank K. Tracy, Sarah, Minny E., Winfield S., Robert B., Winfred W., Jesse S., Ida May, Nora M. and Miles A. Thomas.

Applicants represented by attorney L.P. Hudson.

Martha M. Thomas being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A Martha M. Thomas.  
Q What is your age? A Forty-six.  
Q What is your post office address? A Parker, Oklahoma.  
Q How long have you lived in Parker? A Three years.  
Q Where were you born? A In Missouri.  
Q Where in Missouri? A Worth County.  
Q How long did you live in that state? A I don't really know.  
Q Did you live there until you went to Oklahoma? A No, sir; we went from Missouri to Dakota and I was married there.

Examination by attorney L. P. Hudson.

- Q How long did you live in Dakota? A I don't know.

Examination by the Commission

- Q One year or ten? A I suppose about eight or nine or ten years.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A No, sir.  
Q What is your father's name? A Henry Been.  
Q What was your mother's name? A Jane Been.  
Q Through whom do you claim your Choctaw blood? A Mother.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?  
A I don't know.  
Q Did she ever live in the Choctaw Nation, Indian Territory? A No, sir.  
Q Where was your mother born? A In Mississippi.  
Q What place in Mississippi? A I could not tell you that.  
Q How old would she be if living now? A About seventy-two.  
Q What was her mother's name? A Jones.  
Q Did she claim through her mother? A Yes, sir.  
Q Have you a husband living? A Yes, sir.  
Q What is your husband's name? A Daniel Thomas.  
Q Is he a white man? A Yes, sir.  
Q No Indian? A No, sir.  
Q And living is he? A Yes, sir.

#2

- Q You don't make any claim for your husband then as a Choctaw? A No, sir.
- Q How many children under twenty-one years of age have you that you want to make application for? A Eleven.
- Q Is Daniel Thomas the father of these children? A Yes, sir.
- Q Give me the name of the first? A

Attorney reading from memorandum.

Frank K. Thomas,	20,
Tracy Thomas,	18,
Sarah Thomas, ) twins.	18,
Minnie E. Thomas,	16,
Winfield S. Thomas,	14,
Robert B.	13,
Winfred W.,	11,
Jessie S.,	9,
Ida May,	7,
Nora M.?	5,
Miles A.,	2,

By the Commission:

- Q Jessie S. that is a girl? A No, it is a boy.
- Q Then it ought to be spelled J-e-s-s-e. Is Tracy a boy or girl? A Boy.
- Q Is Winfield a boy? A Yes, sir.
- Q Winfred a Girl? A Boy.
- Q Ida May and Nora girls? A Yes, sir.
- Q Claiming for yourself and children? A Yes, sir.
- Q These children are all living with you at your home? A Yes, sir.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made 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, 1896? A No, sir.
- Q Have you or any of your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No, sir.
- Q You now come before the Commission to identify yourself and your children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A No, sir; I don't believe I do.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a small place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September 1830 and was made for the principal purpose of removing the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory and to protect their interests article fourteen was put into the treaty of 1830. That article is as follows:

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

- Q Do you understand that article now well enough to claim under it or can't you make a claim under it because you can't understand it? A Yes, sir; I understand it.
- Q Did any of your Choctaw ancestors comply with any of the provisions of that article of that treaty? A I don't know.
- Q What is the name of your Choctaw ancestor who lived in the state of Mississippi in 1830, seventy-two years ago, and had a family there then? A Yokotubbee.
- Q You claim through your mother? A Yes, sir.
- Q Your mother, you said, was born seventy-two years ago in Mississippi? A Yes, sir.
- Q She claims through which parent father or mother? A Her mother.
- Q What was her mother's name? A Jones.
- Q Married name Jones? A Yes, sir.
- Q She lived in Mississippi and had a family there in 1830? A I could not say.
- Q Well your mother was born in Mississippi, seventy-two years ago? A Yes, sir. I got a kind of mixed up.
- Q 1830 was seventy-two years ago, you say that your mother was born seventy-two years ago, you say her mother's married name was Jones and her maiden name was what? A Cunningham.
- Q What was your grandmother's given name do you know? Was it Sarah or Annie or what, if you know? A I don't believe I know.
- Q She is the ancestor then through whom you claim as having lived in Mississippi in 1830 and having a family there then? A Yes, sir.
- Q Can you give the remote ancestor who lived in Mississippi and who was a full, blood Choctaw Indian? A Yokotubbee.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- 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 Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did you ever hear that any of them went from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No, sir; I did not.
- Q Did any of them own any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A No, sir.
- Q Or under any other article of the treaty or under the supplement of it? A I don't know.
- Q Did any of them own or claim any benefits as Choctaw Indians under any treaty made between the United States and the Choctaw tribe of Indians other than the treaty of 1830? A No, sir.

The Indians who stayed in Mississippi after the treaty of 1830 was ratified refusing to go to the Choctaw Nation, Indian Territory, with the other Indians, were required if they wanted to take advantage of the provisions of article fourteen of the treaty of 1830 to go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register and as the result a good many Indians who had land in Mississippi had their land taken from them by the government and sold at the public land sales. This caused a great many complaints among the Choctaw Indians and in 1837, by act approved March 3, of that year, Congress appointed a Commission and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 Congress appointed another Commission for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors claim any benefits as Choctaw Indians under article fourteen of that treaty, before either of these two Commissions? A I don't know.
- Q Did any of your Choctaw ancestors ever get any scrip from the government as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land that they had had in Mississippi and which the government had taken from them and sold? A I don't know.
- Q Have you any evidence that you want to introduce now?

Here L. P. Hudson, attorney for applicants asks leave to file written evidence in support of this claim in the near future.

Motion Granted.

- Q Do you speak the Choctaw language? A No, sir.
- Q What relation is William E. Been to you? A Brother.

The case of William E. Been, et al., number 4675, is here referred to as being the number of the case under which all these other cases will be consolidated of claimants claiming through the same common ancestor.

- Q McClelland Been is also a brother of yours? A Yes, sir.
- Q He applied on this date? A Yes, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, except she has dark eyes, straight black hair, dark complexion. She has no knowledge of the Choctaw language and know knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830. The applicant is darker than most of the applicants who appeared here claiming the strain of blood which she claims, one-sixteenth Choctaw. It may be that her physical appearance shows a strain of Indian blood which she claims is Choctaw.

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 24, 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.

*E. Rosenwinkel*

Subscribed and sworn to before me this \_\_\_ day of March 1902.

*Charles Mitchell Wood*

Notary Public.

COPY.

M.C.R. 4834

Muskogee, Indian Territory, February 17, 1903.

Martha M. Thomas,

Parker, Oklahoma.

Dear Madam:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R.	41
Annie Catherine Colclasure, et al.,	M.C.R.	43
John H. Dunn, et al.,	M.C.R.	42
Mollie C. Little, et al.,	M.C.R.	5569
William H. Dunn, et al.,	M.C.R.	5015
Henry E. Dunn, et al.,	M.C.R.	4998
John H. Fraley, et al.,	M.C.R.	5894
William A. Fraley, et al.,	M.C.R.	5915
Ida F. Moore, et al.,	M.C.R.	5896
Mollie J. Perrymore, et al.,	M.C.R.	5895
John Fraley, et al.,	M.C.R.	6063
George W. Fraley,	M.C.R.	6054
Martha M. Thomas, et al.,	M.C.R.	4834
William Thomas,	M.C.R.	4836
Milton Thomas,	M.C.R.	4837
George M. Thomas,	M.C.R.	4838
William Been, et al.,	M.C.R.	4675
McClelland Been,	M.C.R.	4833
Jenettie M. Lathrum, et al.,	M.C.R.	4835
William W. Lee, et al.,	M.C.R.	5567
Otis Lee, et al.,	M.C.R.	4967
Inez G. Curley, et al.,	M.C.R.	5541
Ob Dunn, et al.,	M.C.R.	5274
Arlena M. Kreipke, et al.,	M.C.R.	6219
John F. Zachery,	M.C.R.	6220
Irene J. Zachery, et al.,	M.C.R.	6217
Anna Belle Zachery,	M.C.R.	6218



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 Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Barnie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Fearl E. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bue Perrymore, Ora H. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha H. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Josie Been, Eggie M. Been, McClelland Been, Jenettie M. Lathrum, Johanie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icail Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Larton Curley, Ob Dunn, Ora Lee Dunn, William F. Dunn, Jillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, IvaBelle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled 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

Martha M. Thomas,-3

the applications made by John H. Dunn for the identification of his wife, Mollie Dunn, and by Mollie C. Little for the identification of her husband, Willie Little, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of that 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 Dixby.*

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, August 27, 1904.

Martha M. Thomas,

Parker, Oklahoma Territory,

Dear Madam:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

(SIGNED)

*W. C. C. C.*  
Chairman.

For Identification as a Mississippi Choctaw.

Date \_\_\_\_\_

Name Martha M. Thomas -

Age 46 Blood 1/16

Post Office, Parker, Okla.

Father: Henry Beers, l.

Mother: Jane " d

Claims through Mother  
 Husband Kannie Thomas, w.c.

No claim for husband

Children: Frank Thomas M 20  
 Tracy " M 18  
 Sarah " M 18  
 "Minnie E" F 16  
 Winfield S. M 14  
 Robert B. " M 13  
 Winfred W. M 11  
 JESSE ~~W.~~ S " - M 9  
 Ida May " F 7  
 Nora M " F 5  
 Miles A " M. 2

Claims for crop & children

Register G. R. ...

Choctaw MCR 4835

Jenettie M. Lathrum

See MCR 41

MCR 4835

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. February 24, 1902.

4835

In the matter of the application for identification as Mississippi Choctaws of Jenettie M. Lathrum, for herself and her three minor children, Johnnie Newton, Blanche A. and Icil Lathrum.

Applicants represented by attorney L. P. Hudson.

Jenettie M. Lathrum being first duly sworn testifies as follows.

Examination by the Commission.

- Q What is your name? A Jenettie M. Lathrum.  
Q What is your age? A Thirty-two.  
Q What is your post office address? A Worth, Missouri.  
Q W-o-r-t-h? A Yes, sir.  
Q How long have you lived at Worth? A I have lived there about twenty-five years.  
Q Where were you born? A In Worth County Missouri.  
Q And always lived there? A We moved to Dakota a little while and went back to Missouri.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A No, sir.  
Q What is your father's name? A Henry Been.  
Q What is your mother's name? A Jane Been.  
Q Through which parent do you claim Choctaw blood? A My mother.  
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 How much Choctaw blood do you claim? A One-sixteenth.  
Q Are you married? A Yes, sir.  
Q Husband living? A Yes, sir.  
Q Is he a white man or Indian? A He is a white man?  
Q You don't make any claim for him as an Indian? A No, sir.  
Q What is his name? A Milton L. Lathrum.  
Q You make no claim for him? A No, sir.  
Q Have you any children that you want to make application for? A Yes, sir.  
Q How many? A Three.  
Q What is the name of the eldest child? A Johnnie Newton.  
Q Is that a boy or girl? A Boy.  
Q What is the name of the next child? A Blanche A.  
Q Blanche, B-l-a-n-c-h-e? A I don't know how, I always spell it B-l-a-n-c-h-i-e.  
Q What is her age? A She is nine.  
Q The next? A Icil.  
Q How do you spell that? A I-c-i-l.  
Q Is that a boy? A It is a girl.  
Q How old is she? A She is four.  
Q Is that all? A Yes, sir.  
Q Is Milton L. Lathrum the father of these three children? A Yes, sir.

#2

- Q They live with you at your home? A Yes, sir.
- Q Was he ever married before he married you? A No, sir.
- Q Were you ever married before you married him? A No, sir.
- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation Indian Territory? A No, sir.
- Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made 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, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation with your children either by the Commission to the Five Civilized Tribes, the Choctaw tribal authorities or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to be identified yourself and your children as Mississippi Choctaws claiming under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand that article of that treaty, article fourteen? A No, sir; I do not.
- Q You understand what a treaty is do you not? A Well I don't know that I hardly do just exactly understand.
- Q You know that people have to make contracts and agreements between each other to do things? A Yes, sir.
- Q And some times they are made in writing. You have heard of contracts in writing between people? A Yes, sir.
- Q Now a treaty is the same thing exactly as a contract in writing signed by people who represent two or more Nations. Instead of being called a contract in writing it is called a compact or a treaty, simply because it is made between Nations instead of between people. Now you understand that? A Yes; I think so.

Such a treaty was made between the United States government and the Choctaw tribe of Indians in Mississippi at a place called Dancing Rabbit Creek in that state on the 27th day of September 1830. That is when it was signed and dated. Before it was signed it became known that a good many Choctaw Indians were unwilling to go to the Choctaw Nation Indian Territory and in order to protect their interests article fourteen was put into that 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."

#3

- Q You think you understand that now? A Yes, I guess so.
- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No, sir; I do not.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A I don't know that I understand hardly.
- Q Who is it that you claim through this ancestor I mean who is a kin of yours and who lived in Mississippi in 1830 and had a family there at that time? A My grandmother did.
- Q What was her name? A Jones.
- Q Do you know her given name? A No, sir.
- Q That was her married name? A Yes, sir.
- Q What was her husband's name? A William Jones.
- Q What was her maiden name? A Cunningham.
- Q What was the remote ancestor's name as far back as you can go who was a full blood Choctaw Indian? A Yokotubbee.
- Q How old would your grandmother Jones be if living now, your mother's mother? A I am sure I could not tell you.
- Q You know where she died and when? A No, sir; I do not.
- Q You know when and where your grandmother Jones was born? A No, sir.
- Q Where was your mother born? A In Mississippi.
- Q What place in Mississippi? A I don't remember what place.
- Q How long did she live in Mississippi? A Well I don't know just how long she did remain there.
- Q She went from Mississippi to what state? A Well I don't remember what state she did go to.
- Q Where did she die? A In Oklahoma.
- Q Can you tell in what state she lived after she left Mississippi? A She lived in Iowa a while and from there she went to Missouri and from there to Oklahoma.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- 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 Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A Why I don't know that either.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A No; sir; not that I know of.
- Q Did they own or claim any land under any other article of the treaty than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did they claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know.

The Indians who stayed in Mississippi after the treaty of 1830 was ratified, refusing to go to the Choctaw Nation Indian Territory with the other Indians under the provisions of that treaty, were required, if they wanted to take advantage of the provisions of article fourteen of the treaty of Dancing Rabbit Creek, to go to the United States Indian Agent Colonel Ward, within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. This caused a good many complaints among the Choctaw Indians so that in 1837 by act approved March 3, of that year Congress appointed a Commission,



#4

which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 by act approved August 23, of that year Congress appointed another Commission to go to Mississippi for the same purpose.

Q Did any of your Choctaw ancestors go before either of these two Commissions claiming benefits as Choctaw Indians do you know? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the United States government which entitled them to select land either in Mississippi, Alabama, Louisiana, or Arkansas to take the place of land that they had formerly owned in Mississippi and which the government had taken from them? A I don't know that.

Q Have you any evidence that you want to introduce now? A

Here L. P. Hudson attorney for applicants asks leave to file written evidence 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 relatives who have appeared here before the Commission claiming through the same common ancestor through whom you claim? A My brother.

Q William E. Been? A Yes, sir.

Q Do you want to have the cases of all applicants who claim through the same common ancestor consolidated under this one case of William E. Been and all considered together? A Yes, sir.

The case of William E. Been et al., is here referred to, number 4675, as the principal case in this group of cases as claiming through the same common ancestor Jones, nee Cunningham, as the same common ancestor.

This applicant has the appearance and physical characteristics of being descended from white parentage. She has black eyes; black hair, fair complexion.

Q Is Martha M. Thomas your sister? A Yes, sir.

She is dark like her sister Martha M. Thomas but not with the peculiar characteristics of her sister which show a strain of Indian blood, still this applicant is slightly dark. She does not understand the Choctaw language and has no knowledge of compliance on the part of her 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 February 24, 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.

Subscribed and sworn to before me this 8 day of March 1902.

*L. P. Hudson*  
Notary Public.

Muskogee, Indian territory, February 17, 1903.

Jenettie M. Lathrum,  
Worth, Missouri.

Dear Madam:

You are hereby notified that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R. 41
Annie Catherine Colclasure, et al.,	M.C.R. 43
John H. Dunn, et al.,	M.C.R. 42
Mollie C. Little, et al.,	M.C.R. 5569
William H. Dunn, et al.,	M.C.R. 5015
Henry E. Dunn, et al.,	M.C.R. 4998
John H. Fraley, et al.,	M.C.R. 5894
William A. Fraley, et al.,	M.C.R. 5915
Ida F. Moore, et al.,	M.C.R. 5896
Mollie J. Perrymore, et al.,	M.C.R. 5895
John Fraley, et al.,	M.C.R. 6053
George W. Fraley,	M.C.R. 6054
Martha M. Thomas, et al.,	M.C.R. 4834
William Thomas,	M.C.R. 4836
Milton Thomas,	M.C.R. 4837
George M. Thomas,	M.C.R. 4838
William Been, et al.,	M.C.R. 4675
McClelland Been,	M.C.R. 4833
Jenettie M. Lathrum, et al.,	M.C.R. 4835
William W. Lee, et al.,	M.C.R. 5567
Otis Lee, et al.,	M.C.R. 4967
Inez G. Curley, et al.,	M.C.R. 5541
Ob Dunn, et al.,	M.C.R. 5274
Arlena M. Kreipke, et al.,	M.C.R. 6219
John P. Zachery,	M.C.R. 6220
Irene J. Zachery, et al.,	M.C.R. 6217
Anna Belle Zachery,	M.C.R. 6218

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 Aranda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesso Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Bernie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Pearl E. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Sue Perrymore, Ora M. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Josie Been, Eggle B. Been, McClelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icil Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Larton Curley, Ob Dunn, Ora Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin F. Dunn, John L. Dunn, Arlena H. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled 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

Janettie M. Lathrum, -3

the applications made by John H. Dunn for the identification of his wife, Mollie Dunn, and by Mollie C. Little for the identification of her husband, Willis Little, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered.\*

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

Respectfully,

(SIGNED)

*Tamc Dixby.*

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, August 27, 1904.

Jenettie M. Lathrum,  
Worth, Missouri,

Dear Madam:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date

Name *Genettie M. Lathrum*  
*LATHRUM.*

Age *32 -* Blood  $\frac{1}{16}$

Post Office, *Worth, Mo.*

Father: *Henry Been, l.*

Mother: *Jane " d*

Claims through mother,  
*husband*  
*Melton L. Lathrum, w.*

*No claim for husband.*

Children:

*M. J. Johnnie N. Lathrum, 11*

*F. Blanchie A. " 9*

*F. Cecil " 4*

*Claims for self &  
children*

Stenographer *G. R. ...*

Choctaw MCR 4836

William Thomas

See MCR 41

MCR 4836

4836

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, FEBRUARY 24, 1902.

ooOoo

In the matter of the application of William Thomas for identification as a Mississippi Choctaw.

ooOoo

L. P. Hudson, Attorney for Applicant.

ooOoo

William Thomas being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William Thomas.  
Q What is your age? A Twenty-seven.  
Q What is your post office address? A Parker, Oklahoma.  
Q How long have you lived there? A Why, about two years.  
Q Where were you born? A Dakota.  
Q And from there, you went where? A Missouri.  
Q From Missouri, you went where? A Oklahoma.  
Q Is your father living? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q What is your father's name? A Daniel Thomas.  
Q What is your mother's name? A Tilda Thomas.  
Q When you give the name Tilda Thomas, you mean Martha M. Thomas? A Yes sir.  
Q This Tilda is a contraction of the name Matilda - the middle name? A Yes sir.  
Q You want it Martha Matilda? A Yes sir.  
Q Through which parent do you claim Choctaw blood? A Mother.  
Q How much Choctaw blood do you claim? A One-thirty-second.  
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.  
Q Are you married? A No sir.  
Q You claim 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 No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? 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 the Indian Territory? A No sir.  
Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.  
Q You understand that article of that treaty? A No sir.



- Q The treaty of 1830 was made between the United States government and the Choctaw Nation at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September, 1830, and was made for the special purpose of removing the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would be unwilling to go to the Choctaw Nation in the Indian Territory, and in order to protect their interests article fourteen was put into the treaty of 1830. That 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 10 years of age; and a quarter section to such child as may be under 10 years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied with the provisions of that article? A No sir.
- Q You understand that now do you? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw who lived in Mississippi in 1830 and had a family there then?
- A I don't know.
- Q Do you know the name of your grandmother; your mother's mother? A Jane Been.
- Q Did she claim through her father or mother? A She claimed through her mother.
- Q What was her mother's name? A I don't know.
- Q Couldn't give the name? A No sir.
- Q What is the name of your Choctaw ancestor who lived in Mississippi in the year 1830 and had a family there then?
- A I don't know.
- Q Did any of your ancestors live in the state of Mississippi?
- A I don't know.
- Q Did your mother live there? A No sir.
- Q Did her mother live there? A I don't know.
- Q You never heard that any of your Choctaw ancestors lived in the state of Mississippi did you? A No sir.
- Q You have been down here all the afternoon; you have heard relatives testify that they did live there - did you hear them say that? A Yes sir.

- Q Then you have heard that some of your ancestors did live in Mississippi have'nt you? A Yes sir.
- Q When was the first time you ever hear it, to-day? or yesterday? A Why, I don't know.
- Q Don't know much about that do you? A No sir.
- Q What is the name of your remote Choctaw ancestor, who was a full blood Choctaw, can you give it? A No sir, I don't know much about it.
- Q Do you know if any of your Choctaw ancestors owned any improvements on land in Mississippi and Alabama in 1830? A No sir.
- Q Do you know if any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 went to the United States Indian agent, Colonel Ward, and told him they wanted to stay in Mississippi, take land there and become citizens of the United States? A No sir.
- Q Did you ever hear that any of your Choctaw ancestors went from that old Choctaw Nation to the Choctaw Nation Indian Territory between 1833 and 1838 or '40? A No sir.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama either under article fourteen, article fifteen or article nineteen of the treaty of 1830 or under the supplement of that treaty? A I don't know.
- Q Or under the treaty generally - did you ever hear? A I don't know.
- Q Did any of your Choctaw ancestors claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A I don't know.
- Q Did you ever hear of the Commission of 1837 or the Commission of 1842? A No sir.
- Q These commissions were appointed, in this wise: one in 1837 and the other in 1842 for the purpose of hearing Choctaw claimants who claimed benefits under article fourteen of the treaty of 1830; claimants who had gone before Colonel Ward within six months after the ratification of the treaty of 1830 at his office in Mississippi, Choctaw Agency, and told him that they wanted to stay in Mississippi take land there and become citizens of the United States, but whose names he failed to put upon his list known as "Ward's Register". Indians who did this and afterwards had their land taken from them in Mississippi and Alabama, made complaints to the government and the government appointed these two commissions to hear their claims and adjudicate their cases. Did any of your Choctaw ancestors appear before either of these two commission and claim benefits as Choctaw Indians? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Louisiana, or Arkansas, to take the place of the land which they had formerly had in Mississippi and which the government had taken from them and sold? A No sir.
- Q Have you any evidence now that you would like to present further in support of your claim?

Here L. P. Hudson, Attorney for applicant asks leave to file written evidence in support of this claim in the near future.

Motion is granted.

William Thomas--3.

- Q Do you speak the Choctaw language? A No sir.  
Q Who is William E. Been? A My uncle.  
Q He made application some time ago did he not to be identified as a Mississippian Choctaw? A Yes sir.  
Q He claimed through the same common ancestor through whom you claim did he? A Yes sir.  
Q And McLellan Been is a brother of yours is he? A No sir, uncle.  
Q What relation is Martha K. Thomas to you? A Mother.  
Q And Jenettie N. Lathrum - what relation is she? A My aunt.  
Q They all claim through the same common ancestor do they?  
A Yes sir.  
Q Do you want to have all of these cases of relatives who claim through the same common ancestor consolidated under the case of William E. Been, et al? A Yes sir.

The case of William E. Been, et al., #4675, is here referred to as the principal case in this group of cases to be consolidated under the same common ancestor.

ooOoo

This applicant has the physical appearance and characteristics of being descended from white parentage; has dark brown eyes, dark complexion, black hair and has no knowledge of the Choctaw language and no knowledge of compliance on part of his ancestors with the provisions of article fourteen of the Treaty of 1830.

ooOoo

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes, she reported in full, all proceedings had in the above entitled cause on the 24th day of February, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Clara Mitchell Wood*

Subscribed and sworn to before me this 27 day of February 1902

*[Signature]*  
Notary Public  
*[Signature]*

Muskogee, Indian Territory, February 17, 1903.

William Thomas,

Parker, Oklahoma.

Dear Sir:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R. 41
Annie Catherine Colclasure, et al.,	M.C.R. 43
John H. Dunn, et al.,	M.C.R. 42
Mollie C. Little, et al.,	M.C.R. 5569
William H. Dunn, et al.,	M.C.R. 5015
Henry E. Dunn, et al.,	M.C.R. 4998
John H. Fraley, et al.,	M.C.R. 5894
William A. Fraley, et al.,	M.C.R. 5915
Ida F. Moore, et al.,	M.C.R. 5896
Mollie J. Perrymore, et al.,	M.C.R. 5895
John Fraley, et al.,	M.C.R. 6053
George W. Fraley,	M.C.R. 6054
Martha M. Thomas, et al.,	M.C.R. 4834
William Thomas,	M.C.R. 4836
Milton Thomas,	M.C.R. 4837
George M. Thomas,	M.C.R. 4838
William Been, et al.,	M.C.R. 4675
McClelland Been,	M.C.R. 4833
Jenettie M. Lathrum, et al.,	M.C.R. 4835
William W. Lee, et al.,	M.C.R. 5567
Otis Lee, et al.,	M.C.R. 4967
Inez G. Curley, et al.,	M.C.R. 5541
Ob Dunn, et al.,	M.C.R. 5274
Arlena M. Kreipke, et al.,	M.C.R. 6219
John P. Zachery,	M.C.R. 6220
Irene J. Zachery, et al.,	M.C.R. 6217
Anna Belle Zachery,	M.C.R. 6218

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 Amanda L. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Roubie Dunn, Bernie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary F. Fraley, Rosa May Fraley, Ida F. Moore, Beairl E. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bue Perrymore, One . Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank . Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred S. Thomas, Jesse E. Thomas, Ida May Thomas, Nora . Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George . Thomas, William Been, Emily J. Been, Josie Been, Eggie . Been, McClelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icell Lathrum, William W. Lee, William L. Lee, Alva E. Lee, Artie E. Lee, Silvester C. Lee, Landa L. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Larton Curley, Ob Dunn, Ura Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin F. Dunn, John I. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John W. Zachery, Irene J. Zachery, Charlie W. Zachery and Anna Belle Zachery, as Choctaw Indians entitled 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 John H. Dunn for the identification of

William Thomas, -3

his wife, Mollie Dunn, and by Mollie C. Little for the identification of her husband, Willie Little, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

*Tams Dixby.*  
Acting Chairman.

Registered.

Muskogee, Indian Territory, August 27, 1904.

William Thomas,

Parker, Oklahoma Territory,

Dear Sir:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

(SIGNED)

Chairman.

No.

4336

For Identification as a Mississippi Choctaw.

Date

Name William Thomas

Age 27 Blood 1/32

Post Office, ~~the~~ Parker, Okla.

Father: Daniel Thomas, l.  
Martha m.

Mother: Silda Thomas, l.

Claims through mother —

~~Children.~~

Claims for self  
alone

Stenographer Clara Mitchell Wood.



Choctaw MCR 4837

Milton Thomas

See MCR 41

MCR 4837

4887.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, FEBRUARY 24, 1902.

ooOoo

In the matter of the application for identification as a  
Mississippi Choctaw of Milton Thomas.

ooOoo

L. P. Hudson, Attorney for Applicant.

ooOoo

Milton Thomas being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Milton Thomas.  
Q What is your age? A Twenty five.  
Q What is your post office address? A Parker Oklahoma.  
Q How long have you lived at Parker? A About three years.  
Q Where were you born? A Dakota.  
Q How long did you live in Dakota? A I could'nt tell you  
I was small when I left there.  
Q And went from that Territory to -- A Missouri.  
Q And how long did you live in Missouri? A Well, I cant  
tell you exactly.  
Q You have lived in Oklahoma how long? A About three  
years.  
Q Is your father living? A Yes sir.  
Q Mother living? A Yes sir.  
Q What is your father's name? A Daniel Thomas.  
Q And your mother's name is what? A Martha M. Thomas.  
Q Through which parent do you claim Choctaw blood? A  
Through my mother.  
Q How much do you claim? A About one thirty second.  
Q Has your mother ever been recognized in any way or en-  
rolled as a member of the Choctaw tribe of Indians by  
the Choctaw tribal authorities or the United States  
authorities in the Indian Territory? A No sir.  
Q Your mother made application on this date, February 24,  
1902, did she not to be identified as a Mississippi  
Choctaw? A Yes 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 the Indian territory? A No sir.  
Q Have you ever made application for citizenship in the  
Choctaw Nation Indian Territory to the Choctaw tribal  
authorities in the Indian Territory? A No sir  
Q Did you ever make application for citizenship in the  
Choctaw Nation to the Dawes Commission under the act of  
Congress of June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw  
Nation by 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 it your purpose in now coming before the Commission to become identified 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 don't know whether I do or not.
- Q You know what an agreement in writing is don't you? A Yes sir.
- Q Do you know the difference between a treaty and an agreement in writing - you understand that a treaty is an agreement in writing and made between nations? A Yes sir.
- Q A treaty like that was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830; that treaty was made principally to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation in the Indian Territory where they might have their own tribal government. Before the treaty was signed it became known that a good many Choctaw Indians would be unwilling to go to the Choctaw Nation Indian Territory, and therefore in order to protect their interests article fourteen was put into the treaty; it was then signed and afterwards on the 24th day of February, 1831 was ratified. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become an citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled 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? A Yes sir, I think I do.
- Q Did any of your ancestors comply with the provisions of that article? A No sir, I think not.
- Q What is the name of your ancestor through whom your claim your right to be identified as a Mississippi Choctaw, and who lived in Mississippi and had a family there in the year 1830? A I believe Grandmother's name was --- I claim through mother.
- Q Go back to your ancestor who lived in Mississippi in 1830 and who had a family there seventy two years ago if you can tell. A Yetubbee.
- Q How do you spell that? A I can't tell you.
- Q What relation was Yetubbee to you? A Well, I don't

know.

- Q Was this a man or woman? A A Woman I think.
- Q Full-blood Choctaw or how much? A Yes sir, I think she was a full blood Choctaw.
- Q Do you know whether she lived in Mississippi in 1830 or way, way beyond that date? A Well, I can't tell you.
- Q Can you give the name of any Choctaw ancestor who you know lived in Mississippi in 1830? A I know what they told me; I think grandmother said she lived there.
- Q What was your grandmother's name? A Jane Been.
- Q Was that her married name? A Yes sir.
- Q What was her husband's name? A Henry Been .
- Q Was he a white man? A Yes sir.
- Q Was Jane Been born in Mississippi? A Yes sir, I think so.
- Q Can you tell when? A No sir, I can't tell when.
- Q Do you know she was living in Mississippi in 1830? A I can't be positive.
- Q Jane Been claimed through which parent - her father or mother? A Mother I think.
- Q What was her mother's name? A Cunningham I believe.
- Q That was her maiden name was'nt it? A Yes sir.
- Q Who did Miss Cunningham, your great-grandmother marry? A That's so far back I never could get it fixed up.
- Q Do you know what Cunningham's --- A Jones I think.
- Q Given name was? A no.
- Q You said Jones- is that the name of the man she married? A I don't hardly understand back there; I have heard them speak of those people, but I don't know.
- Q You don't really know who of your ancestors lived in Mississippi and had a family in 1830? A No sir.
- Q Did 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 go to the United States Indian agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A Not that I know of.
- Q Did any of your Choctaw ancestors own any land or claim any under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Did they own or claim any land or any other benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q You never heard they claimed any benefits as Choctaw Indians under any other treaty than the treaty of 1830? A 1830? A
- Q Other than that? A No sir.
- Q The Choctaw Indians who lived in Mississippi in the year 1830, refusing to go to the Choctaw Nation, Indian Territory with the other Indians under the treaty of 1830 were required, if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, who had an agency in Mississippi in 1830 and '31 and tell

him they wanted to stay there in that state, take land there and become citizens of the United States; a good many Choctaw Indians did this whose names Colonel Ward, failed to put upon his list known as "Ward's Register"; this caused a good many Indians who had land in Mississippi upon which they had improvements to lose them both; they were both taken from them by the government and sold at its public land sales; this caused so much distress and so many complaints among the Choctaw Indians who had land in Mississippi, that Congress appointed a commission by an act approved March 3, 1837 which commission went to Mississippi and heard claimants under article fourteen of that treaty; in 1842 another commission was appointed by Congress for the same purpose and this commission went to Mississippi and heard claimants under that article of that treaty; did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A Not that I know of.

- Q Did any of your Choctaw ancestors receive any scrip from the government of the United States as Choctaw Indians which entitled them to select land either; in Mississippi, Alabama, Louisiana or Arkansas to take the place of which the government had taken from them in Mississippi? A I don't know.
- Q This scrip was issued under an act of Congress approved August 23, 1842; you never heard your ancestors had any scrip? A No sir.
- Q Have you any evidence you want to introduce now in support of this claim?

Here L. P. Hudson, Attorney for applicant asks leave to file written evidence in support of this claim in the near future.

Motion is granted.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any relatives who have appeared here to be identified as Mississippi Choctaws claiming from the same common ancestor through whom you claim? A My uncle.
- Q William E. Been? A Yes sir.

The case of William E. Been, et al., #4675 is here referred to as the principal case in this group of cases to be consolidated under the same common ancestor.

Examination by L. P. Hudson:

- Q You stated early in this examination that none of your ancestors complied or attempted to comply with article fourteen of the treaty of 1830; now do you know that it is so or do you simply know nothing about that matter at all? A I don't know as I understand that.
- Q You don't know whether they complied with or attempted to comply that article do you? A No sir.
- Q You have no knowledge as to that matter at all? A No sir.

Milton Thomas--5.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, brown hair, medium dark complexion; he does not speak the Choctaw language and does not know whether or not his ancestors complied with any of the provisions of article fourteen of the treaty of 1830.

ooOoo

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes, she reported in full, all proceedings had in the above entitled cause on the 24th day of February 1902, and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

*Clara Mitchell Wood*

Subscribed and sworn to before me this 25 day of February 1902.

*[Signature]*  
Commissioner.

Muskogee, Indian Territory, February 17, 1903.

Milton Thomas,

Parker, Oklahoma.

Dear Sir:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda T. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R. 41
Annie Catherine Colclasure, et al.,	M.C.R. 43
John H. Dunn, et al.,	M.C.R. 42
Mollie C. Little, et al.,	M.C.R. 5569
William H. Dunn, et al.,	M.C.R. 5015
Henry E. Dunn, et al.,	M.C.R. 4998
John H. Fraley, et al.,	M.C.R. 5894
William A. Fraley, et al.,	M.C.R. 5915
Ida P. Moore, et al.,	M.C.R. 5896
Mollie J. Perrymore, et al.,	M.C.R. 5895
John Fraley, et al.,	M.C.R. 6053
George W. Fraley,	M.C.R. 6054
Martha M. Thomas, et al.,	M.C.R. 4834
William Thomas,	M.C.R. 4836
Milton Thomas,	M.C.R. 4837
George M. Thomas,	M.C.R. 4838
William Been, et al.,	M.C.R. 4675
McClelland Been,	M.C.R. 4833
Jenettie W. Lathrum, et al.,	M.C.R. 4835
William W. Lee, et al.,	M.C.R. 5567
Otis Lee, et al.,	M.C.R. 4967
Inez G. Curley, et al.,	M.C.R. 5541
Ob Dunn, et al.,	M.C.R. 5274
Arlena M. Kreipke, et al.,	M.C.R. 6219
John F. Zachery,	M.C.R. 6220
Irene J. Zachery, et al.,	M.C.R. 6217
Anna Belle Zachery,	M.C.R. 6218

Milton Thomas,-2

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 Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Barnie Dunn, Opal Dunn, John M. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Fairl E. Moore, Mollie J. Perrymore, Thomas E. Perrymore, Bue Perrymore, Ora M. Perrymore, Bunny Perrymore, Mina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Henry E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Josie Been, Eggie M. Been, McClelland Been, Jenettie W. Lathrum, Johanie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icill Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Larton Curley, Ob Dunn, Ura Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled 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



MiltonThomas,-3

the applications made by John H. Dunn for the identification of his wife, Mollie Dunn, and by Mollie C. Little for the identification of her husband, Willie Little, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

- ED.

*Tamc Birby*

Acting Chairman.

Registered.

M.C.R. 4837

CCNY

Muskogee, Indian Territory, August 27, 1904.

Milton Thomas,

Parker, Oklahoma Territory,

Dear Sir:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

(SIGNATURE)

*Wm. L. Doby*

Chairman.

No. 4837

For Identification as a Mississippi Choctaw.

Date

Name Milton Thomas

Age 25 Blood 1/32

Post Office, Parker, Okla

Father: Samuel Thomas. l.

Mother: Marta M. Thomas. l.

Claims through Mother.

~~Children:~~

Claims for self  
alone

Choctaw MCR 4838

- George M. Thomas

See MCR 41

MCR 4838

4838

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, FEBRUARY 24, 1902.

ooOoo

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

ooOoo

L. P. Hudson, Attorney for Applicant.

oooo

George M. Thomas being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A George M. Thomas.  
Q What is your age? A Twenty two.  
Q What is your post office address? A Parker, Oklahoma.  
Q How long have you lived at Parker? A About three years.  
Q Where were you born? A Wortham, Missouri.  
Q How long did you live in Missouri until you left that state?  
A Till I came to Oklahoma.  
Q Three years ago? A Yes sir.  
Q Is your father living? A Yes sir.  
Q Mother living? A Yes sir.  
Q What is your father's name? A Daniel Thomas.  
Q What is your mother's name? A Martha M. Thomas.  
Q Is this the same Martha M. Thomas who has appeared for identification on this date, February 24, before the Commission? A Yes sir.  
Q You claim through her do you? A Yes sir.  
Q How much Choctaw blood do you claim? A One thirty second.  
Q Has your mother ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the United States authorities in the 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 Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.  
Q Have you ever made application to be enrolled as a member of the Choctaw tribe of Indians to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by either 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 to be identified as a Mississippi Choctaw claiming 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 know as I do.  
Q The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek on the 27th day of September of that year; at

the time it was made a good many of the Choctaw Indians occupied the old Choctaw Nation, part in Mississippi and part in Alabama and the government desired to remove them from that old Nation to the Choctaw Nation Indian Territory. Before the treaty was signed a good many Indians signified their determination not to remove to the Choctaw Nation Indian Territory and in order to protect their interests and rights article fourteen was put into the treaty. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over 10 years of age; and a quarter section to such child as may be under 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 Well, I guess I do.
- Q Did any of your Choctaw ancestors comply with that article of that treaty; do those things that are stated there?
- A I don't know.
- Q Did you ever hear of the name of your great grand mother?
- A Yes, Jones, I think it was.
- Q What was her maiden name? A Cunningham I think.
- Q Do you know the given name? A No sir.
- Q Did she live in Mississippi in 1830? and have a family of children there? A I don't know.
- Q Did you ever hear that she did? A Yes I have been taught that she did.
- Q Who told you that? A I have heard my parents say she did.
- Q You know that it is family history and tradition do you?
- A Yes sir.
- Q How much Choctaw blood did your great grandmother Jones have? A I think she was a quarter Indian.
- Q Did she speak the Choctaw language or have a Choctaw Indian name? A I don't know.
- Q When and where did she die? A I don't know.
- Q When and where was she born? A I don't know.
- Q What was your grandmother's name? A Her name was Jones before she married.
- Q She married whom? A Henry Been.
- Q Was she born in Mississippi? A Yes sir.
- Q How old would she be if living now? A About seventy two years old.
- Q And she claimed through which ancestor - father or mother?
- A Mother.
- Q You claim through your mother do you not? A Yes sir.
- Q Martha M. Thomas? A Yes sir.
- Q Whose maiden name was what? A Martha M. Been

- Q And she claims through her mother - what was her name?  
A Jane Been.
- Q This is the one who lived in Mississippi in 1830 72 years ago? A Yes sir.
- Q Do you know where your mother was born? A No sir.
- Q Was she born in Mississippi? A No sir.
- Q You don't know where she was born? 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 Did any of them go from the old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 1838 or 1840? A I don't know.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward and tell him they wanted 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 own any land or claim any under article fourteen of the treaty of 1830 in Mississippi or Alabama? A I don't know.
- Q Did you ever hear they claimed any land or benefits under any other article of that treaty than article fourteen or under the supplement of that treaty? A No sir.
- Q Did any of your Choctaw ancestors claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A I don't know.
- Q The Indians who stayed in Mississippi after the treaty of 1830 was ratified went to the United States Indian Agent, Colonel Ward, a good many of them within six months from the time the treaty was ratified and told him they wanted to stay in Mississippi, take land there and become citizens of the United States; this they were required to do if they wanted to take advantage of the provisions of the fourteenth article of that treaty, and their names should have been placed upon Ward's Register in order that a record might be made of those who signified their intention to remain. He was instructed to do so by the government but facts show that Colonel Ward recorded upon his list, the names of only seventy one heads of families out of thousands that applied to him under article fourteen of the treaty of Dancing Rabbit Creek; as a result of his neglect in this matter, a great many Indians who had land in Mississippi upon which they had improvements, had both land and improvements taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837, Congress appointed a Commission which commission went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. In 1842 Congress appointed another Commission by an Act approved August 23, of that year for the same purpose; did any of your Choctaw ancestors go before either of these Commissions and claim any benefits as Choctaw Indians? A I don't know.
- Q The act of Congress approved August 23, 1842 provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830; if it also appeared that he had land in Mississippi which the government had taken from him and sold, 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 to that effect should be given to him; these certificates were called scrip; did any of your Choctaw ancestors receive any such scrip; did you ever hear? A No sir.

George M. Thomas--4.

Q Do you speak or understand the Choctaw language? A No sir.  
Q Is there any evidence you want to introduce further in this case? A No sir.

Here L. P. Hudson, Attorney for applicant asks leave to file written evidence in support of this claim in the near future.

Motion granted.

Q Who is William E. Been? A An uncle of mine.  
Q Do you want to have your case consolidated with other cases that will be grouped under his as the principal case? A Yes sir.

William E. Been et al., #4675 here referred to as the principal case under which all the other cases claiming through the same common ancestor will be consolidated.

This applicant has the appearance and physical characteristics of being descended from white parentage except that he has dark brown eyes, black hair, and a dark complexion sometimes described as a muddy complexion which indicates a strain of Indian blood; he does not understand the Choctaw language; has no knowledge of compliance on part of his ancestors with any of the provisions of article fourteen of the treaty of 1830. This description of a muddy complexion is peculiarly characteristic of a white man or one in which almost all the blood is white but in which there is a strain of Indian blood, however slight which makes itself apparent in that way

oooooooooooooooooooo

Elara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 24th day of February 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

*Elara Mitchell Wood*

Subscribed and sworn to before me this 27 day of February 1902.

*[Signature]*  
Commissioner.

*[Signature]*



Muskogee, Indian Territory, February 17, 1903.

George L. Thomas,  
Parker, Oklahoma.

Dear Sir:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R.	41
Annie Catherine Cololasure, et al.,	M.C.R.	43
John H. Dunn, et al.,	M.C.R.	42
Mollie C. Little, et al.,	M.C.R.	5569
William H. Dunn, et al.,	M.C.R.	5015
Henry E. Dunn, et al.,	M.C.R.	4998
John H. Fraley, et al.,	M.C.R.	5894
William A. Fraley, et al.,	M.C.R.	5915
Ida F. Moore, et al.,	M.C.R.	5896
Mollie J. Perrymore, et al.,	M.C.R.	5895
John Fraley, et al.,	M.C.R.	6053
George W. Fraley,	M.C.R.	6054
Martha M. Thomas, et al.,	M.C.R.	4834
William Thomas,	M.C.R.	4836
Milton Thomas,	M.C.R.	4837
George M. Thomas,	M.C.R.	4838
William Been, et al.,	M.C.R.	4675
McClelland Been,	M.C.R.	4833
Jenettie M. Lathrum, et al.,	M.C.R.	4835
William W. Lee, et al.,	M.C.R.	5567
Otis Lee, et al.,	M.C.R.	4967
Inez G. Curley, et al.,	M.C.R.	5541
Ob Dunn, et al.,	M.C.R.	5274
Arlena M. Kreipke, et al.,	M.C.R.	6219
John F. Zachery,	M.C.R.	6220
Irene J. Zachery, et al.,	M.C.R.	6217
Anna Belle Zachery,	M.C.R.	6218

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 Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Beanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Bernie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Fearl E. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bue Perrymore, Ora W. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank M. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George H. Thomas, William Been, Emily J. Been, Josie Been, Eggie M. Been, McClelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icil Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Larton Curley, Ob Dunn, Ura Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin F. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled 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

George M. Thomas, -3

the applications made by John H. Dunn for the identification of his wife, Mollie Dunn, and by Mollie C. Little for the identification of her husband, Willie Little, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of that 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,

ED.

*Tams Dixby.*  
Acting Chairman.

Registered.

Muskogee, Indian Territory, August 27, 1904.

George M. Thomas,  
Parker, Oklahoma Territory,

Dear Sir:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

(SIGNED)

*Clarence Sibby.*  
Chairman.

No.

~~1238~~

For Identification as a Mississippi Choctaw.

Date

11 24 1902

Name George M. Thomas.

Age 22

Blood  $\frac{1}{32}$ ,

Post Office, Parker, Okla.

Father: Haniel Thomas, C.

Mother: Martha M. " C.

Claims through mother

Children:

Claims for self  
alone

Clara M. Thomas

Choctaw MCR 4839

Eliza M. Clowers

See MCR 4840, 4306, 4307

MCR 4839

DEPARTMENT OF THE INTERIOR.  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.  
 MUSKOGEE, INDIAN TERRITORY, FEBRUARY 24, 1902.

ooOoo

In the matter of the application of Eliza M. Clowers  
 for identification as a Mississippi Choctaw.

ooOoo

Applicant represented by L. P. Hudson, Attorney.

ooOoo

Eliza M. Clowers being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Eliza Mahala Clowers.  
 Q What is your age? A Forty-four.  
 Q What is your post office address? A Holdenville, I. T.  
 Q How long have you lived at Holdenville? A Just about a  
 month and a half or two months.  
 Q You lived where before that? A In Oklahoma for two years.  
 Q Where did you live before that? A Choctaw Nation in  
 Skullyville County.  
 Q In the Indian Territory? A Yes sir.  
 Q Where were you born? A In Mississippi.  
 Q What place in Mississippi? A Tippah County.  
 Q Near what town? A Salisbury.  
 Q How long did you live in Mississippi before you left that  
 state? A I was an infant.  
 Q You went to what state? A Went into Arkansas.  
 Q Is your father living? A No sir.  
 Q Mother living? A No sir.  
 Q What is your father's name? A William Long.  
 Q What was your mother's name? A Mahala Cupp.  
 Q She married Long and did she die with that name? A Yes sir.  
 Q You claim through which parent, father or mother? A 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 the Choctaw  
 tribal authorities or the United States authorities in Indian  
 Territory? A Yes sir.  
 Q He has been enrolled as a Choctaw Indian and been made a  
 member of that tribe? A No sir -- no.  
 Q Have you the proof of the marriage of your father and  
 mother with you? A No sir, I have not.  
 Q Do you think you can introduce that evidence later if given  
 time? A Yes sir.  
 Q Reasonable time will be allowed for that purpose.  
 Q Are you married? A Yes sir.  
 Q Husband is living is he? A Yes sir.  
 Q Is he an Indian or a white man? A White man.  
 Q What is his name? A Essam Clowers.  
 Q You make no claim for him? A No sir.  
 Q Have you any children under twenty one years of age and  
 unmarried you want to make application for? A Yes, sir ;  
 got one child.  
 Q He is over twenty one is'nt he? A Yes sir.

- Q You don't apply for anybody but yourself do you? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation, Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q This is the first application you have ever made for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? You have heard it several times to-day? A Yes sir.
- Q Do you think you understand it well enough to claim under it? A Yes sir I think I do.
- Q Article fourteen of the treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over 10 years of age; and a quarter section to such child as may be under 10 years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article of that treaty?
- A Well I cant tell about that.
- Q What is the name of your ancestors through whom you claim your right to be identified as a Mississippi Choctaw who lived in Mississippi or Alabama in 1830 and had a family there then? A 1830?
- Q That's seventy two years ago; who lived there then and had a family there then, if you know of any such ancestor?
- A Well, my grandfather and grandmother was both there then.
- Q Which do you claim through - your grandfather or grandmother?
- A Grandfather.
- Q What was his name? A His name was John Long.
- Q Did he live in Mississippi in 1830 and have a family there then? A Yes sir.
- Q How much Choctaw blood did he have? A Half breed.
- Q Did he speak the Choctaw language? A Yes, sir I think so.
- Q How do you know? A My father said so.
- Q Was your father born in Mississippi? A Yes sir.
- Q Where did he die? A Died in Arkansas.



- Q How long did he live in Mississippi? A O, he was an old man when he left there.
- Q About how old, forty, fifty, sixty, seventy or eighty?
- A Well I just don't know how old he was.
- Q As near as you can get at it? A He stayed there after the treaty; he left there I think the year the war came off, or the year after; about the time of the war.
- Q How old would your father be if living now? A He would be about eighty - something near it.
- Q He was born in Mississippi? A Yes sir.
- Q He claimed through his father John Long? A Yes sir.
- Q How old would John Long be if living now? A I can't tell you that.
- Q Was his wife a white woman? A Yes sir.
- Q Could you tell her name? A No sir.
- Q Did any of your Choctaw ancestors own any improvement on land in Mississippi or Alabama in 1830? A No sir.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No sir; my father didn't have any brothers and he had three sisters.
- 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, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know about that.
- Q Did any of your Choctaw ancestors own or claim land or benefits in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir.
- Q Did any of them claim under any other article of that treaty or under the supplement? A No sir, if they did I don't know.
- Q Did any of your Choctaw ancestors claim under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A I don't know.
- Q You couldn't tell what treaty anyway could you -- that's just a guess is'nt it? A I said I don't know.
- Q The Indians who remained in Mississippi or Alabama after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory with the others were required if they wanted to take advantage of the provisions of article fourteen of the treaty of 1830 to go to the United States Indian Agent Colonel Ward who had an agency in Mississippi at that time and tell him that they wanted to stay in Mississippi take land there and become citizens of the United States. A good many Indians did that whose names Colonel Ward failed to put upon his list known as Ward's register; his failure to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose them both for both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Indians so that in 1837, as a result of these complaints, a commission was appointed by an act of Congress approved March 3rd of that year, and this commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 Congress appointed another Commission for the same purpose; this commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830; this second commission was appointed by an act of Congress approved August 23, 1842. Did any of your Choctaw ancestors go before either of the se

two Commissions and claim benefits as Choctaw Indians?

A I don't know.

Q By an act of Congress approved August 23, 1842 it was provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830; if it also further appeared that he had had land in Mississippi which the government had taken from him and sold; he should be entitled to take land in Mississippi, Alabama, Louisiana, or Arkansas, to be taken from ~~any~~ vacant government land, and to take the place of land which had been taken from them by the government in Mississippi or Alabama, and that a certificate to that effect should be given him. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A No sir not that I know of.

Q Do you speak the Choctaw language? A No sir; I don't speak it.

Q Have you any evidence you want to introduce now in support of this claim?

Here L. P. Hudson, Attorney for applicant asks leave to file written evidence in support of this claim in the near future.

Motion granted.

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

Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws claiming through the same common ancestor through whom you claim? A Yes sir. My sister.

Q What was her name? A Harriet Gambols

Q Do you want to have her case and yours and this young man's, your son, Dock Columbus Clowers, who is about to make application, consolidated under this case of Harriet Gambols your sister? A Yes sir.

The case of Harriet Gambols, et al., 4306 is here referred to as the principal case under which will be consolidated all other cases of applicants claiming through the same common ancestor John Long.

This applicant has the appearance and physical characteristics of being descended from white parentage; claims one eighth Choctaw blood; does not understand the Choctaw language; has no knowledge of compliance on part of her ancestors with the provisions of article fourteen of the treaty of 1830. Has dark brown eyes, black hair, straight and long; dark complexion; and looks as if she might possibly have a strain of Indian blood which she claims to be Choctaw; features are somewhat the features of an Indian; of course the white blood very largely predominates.

ooOoo

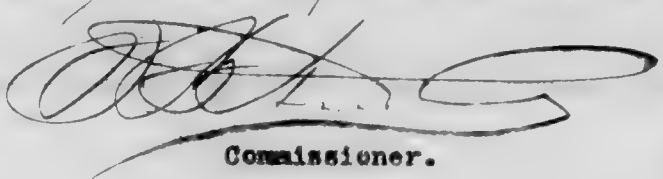
Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above

Eliza M. Clowers--5.

entitled cause on the 24th day of February 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Clara Mitchell*

Subscribed and sworn to before me this 24 day of February 1902.



Commissioner.

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

-----

In the matter of the application of Eliza Mahala Clowers,  
et al., for identification as Mississippi Choctaws, consolidating  
the applications of-

Eliza Mahala Clowers	M.C.R.4839
Dock C. Clowers, et al	" 4840
Harriet Gambols, et al	" 4306
Ida Aery	" 4307

List of papers forwarded to the Secretary of the Interior  
comprising the record in the consolidated case of  
Eliza Mahala Clowers, et al.

	(Page)
Original application of Eliza Mahala Clowers before the Dawes Commission for identification as a Mississippi Choctaw .....	1
Original application of Dock C. Clowers, et al before the Dawes Commission for identification as Mississippi Choctaws .....	6
Original application of Harriet Gambols, et al before the Dawes Commission for identification as Mississippi Choctaws ..	10
Original application of Ida Aery before the Dawes Commission for identification as Mississippi Choctaws .....	17
Decision of the Commission denying the application of Eliza Mahala Clowers, et al., for identification as Mississippi Choctaws .....	23

-----o-----

*J. F. M.  
J. P. R.  
C. W.*

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

---o---

In the matter of the application of Eliza Mahala Clowers,  
et al., for identification as Mississippi Choctaws, consolidating  
the applications of-

Eliza Mahala Clowers	M.C.R. 4839
Dock C. Clowers, et al	" 4840
Harriet Gambels, et al	" 4306
Ida Aery	" 4307

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

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Eliza Mahala Clowers for herself; by Dock C. Clowers for himself  
and his minor child, Clara Ulas Clowers; by Harriet Gambels for  
herself and her seven minor children, Charlie W., Robert H., Richard  
R., William H., Genie R., Altie M., and Delia Gambels, and by Ida  
Aery for herself, under the following provision of the act of Con-  
gress 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,

(2)

eighteen hundred and thirty, and 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 Long, who is alleged to have been an one-half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

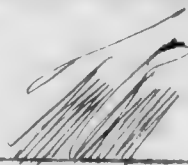
It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Long, 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

(3)

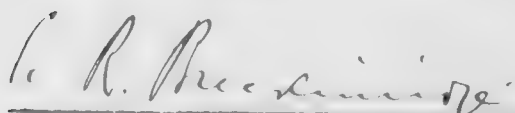
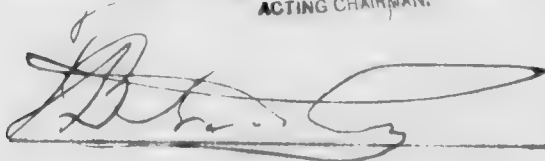
intention to comply with the provisions of said article fourteen , or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Mahala Clowers, Dock C. Clowers, Clara Ulas Clowers, Harriet Gambols, Charlie W. Gambols, Robert H. Gambols, Richard R. Gambols, William F. Gambols, Genie K. Gambols, Altie M. Gambols, Delia Gambols and Ida Aery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



ACTING CHAIRMAN.



Commissioners.

Muskogee, Indian Territory,

JUL 24 1902

COPY.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Land  
44897-1902.

Washington, August 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 24, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application for identification as Mississippi Choctaws of the following named persons: Eliza Mahala Clowers, who applies for herself; Dock C. Clowers for himself and his minor child, Clara Ulas Clowers; Harriet Gambols for herself and her minor children, Charlie W., Robert H., Richard R., William N., Cenie E., Altie M. and Delia Gambols; Ida Aery for herself.

Descent is claimed from William Long and John Long, father and grandfather respectively of principal applicant, but whose names are not shown by the records of this office as having received or attempted to secure the benefits of the fourteenth article of the treaty of September 27, 1830.

It is therefore respectfully recommended that the decision of the Commission refusing to identify the applicants, be affirmed.

WCV

D

3 inclosures.

Very respectfully,

Your obedient servant,

A. C. Tonner

Acting Commissioner.



DEPARTMENT OF THE INTERIOR.

Washington,

ITD. 4787-1902.

August 25, 1902.

L. R. S.

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

Gentlemen:

The Department has considered the consolidated case involving the applications for identification as Mississippi Choctaws of Eliza Mahala Clowers, of Dock C. Clowers and his minor child, Clara Ulas Clowers; of Harriet Gambols and her seven minor children, Charlie W., Robert H., Richard R., William N., Cenie R., Altie M. and Delia Gambols; and of Ida Aery. The record, including your decision of July 24, 1902, denying the applications, was transmitted with your letter of that date.

The applicants attempt to trace their descent from one John Long, alleged to have been a half 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 Choctaw citizen, or that John Long or a less remote ancestor of 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).

-2-

The Acting Commissioner of Indian Affairs forwarded the papers August 5, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

After a careful examination of the whole case the Department affirms your decision.

Respectfully,

Thos. Ryan  
Acting Secretary.

E. M. D.

1 inclosure.

11. 3. 17

Elia Maria Romsdal

11. 3. 17

COPY.

M.C.R. 4839.

Muskogee, Indian Territory, July 24, 1902.

Eliza M. Clowers,  
Holdenville, Indian Territory.

*Remailed to Remus, Okla  
May 16 03*

Dear Madam:

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 Eliza Mahala Clowers, et al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Mahala Clowers	M C R 4839
Deek C. Clowers, et al.,	" 4840
Harriet Gambols, et al.,	" 4306
Ida Aery	" 4307

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 Mahala Clowers, Deek C. Clowers, Clara Ulas Clowers, Harriet Gambols, Charlie W. Gambols, Robert H. Gambols, Richard R. Gambols, William N. Gambols, Genie R. Gambols, Altie M. Gambols, Delia Gambols and Ida Aery, 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."

-2-

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

Yours truly,

(SIGNED)

*E. B. McCales.*

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, July 24, 1902.

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

Gentlemen:

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 Eliza Mahala Clowers, et al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Mahala Clowers,	M C R 4839
Dock C. Clowers, et al.,	" 4840
Harriet Gambols, et al.,	" 4306
Ida Aory	" 4307

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 Mahala Clowers, Dock C. Clowers, Clara Ulas Clowers, Harriet Gambols, Charlie W. Gambols, Robert H. Gambols, Richard

R. Gambols, William H. Gambols, Genie R. Gambols, Altie M. Gambols, Delia Gambols, and Ida Aery, 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)

*J. B. Jones*

Commissioner in Charge.

M.C.R. 4839.

Muskogee, Indian Territory, July 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Eliza Mahala Clowers, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 24th, 1902.

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

Eliza Mahala Clowers,	M C R 4839
Dock C. Clowers, et al.,	" 4840
Harriet Gambols, et al.,	" 4306
Ida Aery	" 4307

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.



COPY.

Muskogee, Indian Territory, September 5, 1902.

Eliza M. Clowers,  
Holdenville, Indian Territory.

*Remailed to Remus, Okla.  
May 16 03*

Dear Madam:

You are hereby advised that on the 26th day of August, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippian Choctaws of the several persons included in the consolidated case of Eliza Mahala Clowers, et al., of which decision you were advised by registered mail on the 24th day of July, 1902.

Yours truly,

(SIGNED)

*Tamie Dixby.*  
Acting Chairman.

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 25th 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 Eliza Mahala Clowers, et al., of which decision you were advised by mail on the 24th day of July, 1902.

Yours truly,

Acting Chairman.

M C R 4839  
M C R 4840

Muskogee, Indian Territory, May 16, 1903.

Eliza M. Clowers,  
Renois, Oklahoma Territory.

Dear Madam:

Receipt is hereby acknowledged of a joint letter of yourself and D. C. Clowers, dated May 6, 1903, in which you ask if your claim is "established and all right."

In reply you are informed that it appears from our records that on February 24, 1902, you made application to this Commission for identification as a Mississippi Choctaw. On the same date Dock C. Clowers also made application for the identification of himself and minor child, Clara Ulas Clowers, as Mississippi Choctaws.

On July 24, 1902, the Commission rendered its decision refusing the applications made by yourself and Dock C. Clowers for identification as Mississippi Choctaws. On the same date you were duly notified by registered mail at Holdenville, Indian Territory, your last known post office address, of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

On August 25, 1902, the Secretary of the Interior approved the decision of the Commission refusing your applications, of

H M C 2

which departmental action you were duly advised on September 5, 1902. The Commission now considers these cases closed.

The above mentioned letters of notification were returned to this office marked "unclaimed" and are this day remailed you at Remus, Oklahoma Territory.

Respectfully,

Chairman.

M C R 4839

Muskogee, Indian Territory, September 13, 1906.

Eliza M. Clowers,  
Copeland, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of August 17, 1906, received at this office on the 12th instant, requesting to be advised if the name of your father, William Long, appears upon the Mississippi Choctaw roll.

In reply you are informed that the records in the possession of this office relative to the persons who were beneficiaries under the 14th article of the Choctaw treaty of 1830 have been examined, and it does not appear that any person by the name of William Long was a beneficiary thereunder.

Respectfully,

Commissioner.

REF ID: A 4839

Eliza M. Clowers  
et al.

Conceded

John Long, 12 Dec

William Long 14 Dec  
married  
Mahala Cupp Dec

McA  
11839  
Eliza Mahala Long w 1/8  
married  
Eason Clowers, w

McB  
11839  
Dock C. Clowers, 22. 7/16  
wife  
Minnie Clowers, w.

McC  
11839  
Clara Mas Clowers, 17

McA  
4315  
Harriet Long 43 1/5  
married  
William Gambols, w

McB  
4315  
Ida Gambols, 19 7/16  
married  
Jim Aery, w

McC  
4306  
Charlie W. Gambols, 17  
Robert H. Gambols, 15  
Richard R Gambols, 13  
William N. Gambols, 9  
Cemie R Gambols, 7  
Altie M Gambols, 3  
Delia Gambols, 2 m.

No. 4839

For Identification as a Mississippi Choctaw.

Date

Name Eliza M. Clowers.

Age 3 44 - Blood 1/8

Post Office, Holdenville, I. T.

Father: William Long, d

Mother: Mahala " d

Claims through father -  
husband

to Easam Clowers, l. w.

No claim for husband.

~~Children:~~

Claims for self  
alone

Stenographer Clara M. Wood.



Choctaw MCR 4840

Dock C. Clowers

See MCR 4839

MCR. 4840

4840

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, FEBRUARY 24, 1902.

ooOoo

In the matter of the application of Dock C. Clowers for the identification of himself and his minor child Clara Ulas Clowers, as Mississippi Choctaws.

ooOoo

Applicant represented by L. P. Hudson, Attorney.

Dock C. Clowers being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Dock C. Clowers.
- Q What is your age? A Twenty two.
- Q Are you married? A Yes sir.
- Q Have a family? A Yes sir.
- Q How many children have you? A One.
- Q What is your post office address? A Holdenville, I. T.
- Q How long have you lived in Holdenville? A How long?
- Q Yes sir. A About two months.
- Q Where were you born? A Arkansas.
- Q What place in Arkansas? A Falkner County.
- Q How long did you live in Arkansas before you went away?
- A I don't know.
- Q Where did you go? A Choctaw.
- Q Indian Territory? A Yes sir.
- Q Have you lived in the Indian Territory ever since you went to Choctaw? A No sir.
- Q Where did you live? A In the Creek Country and in Oklahoma.
- Q How long did you live in the Territory continuously?
- A Thirteen years.
- Q What is your father's name? A Eason Clowers.
- Q Spell that? A E-a-s-o-n Clowers.
- Q He is living? A Yes sir.
- Q What is your mother's name? A Eliza M. Clowers.
- Q She is living is she? A Yes sir.
- Q Is she the same Eliza M. Clowers who has made application to be identified before the Commission on this date, February 24, 1902? A Yes sir.
- Q You claim through her do you? A Yes sir.
- 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 the Indian Territory? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Minie.
- Q Spell it? A M-i-n-i-e. Clowers.
- Q Is she living? A Yes sir.
- Q Has she Indian blood or is she a white woman? A White woman.
- Q You make no claim for her ? A No sir.
- Q Give me the name of your child for whom you wish to make application? A Clara Ulas.
- Q How old is Clara? A Seventeen months.
- Q Is that all you make application for? A Yes sir thats all.

- Q Is Minie Clowers the mother of this child? A Yes sir.
- Q The child is living with you at your home it is? A It's mother is keeping it.
- Q Is'nt its mother living with you? A No sir.
- Q You and the child and its mother are all living together in one habitation? A No sir..
- Q You don't live together? A No sir.
- Q You are separated from your wife? A Yes sir.
- Q And she has the child has she? A Yes sir.
- Q Have you had a legal separation - in court - at law - divorced? A No sir.
- Q You are the natural guardian of the child? A Yes sir.
- Q You make application although its in the possession of the mother now? A Yes sir.
- Q No court has decided you are not entitled to that child? 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 ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A I have not.
- 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 You now come before the Commission to identify yourself and this minor child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I don't know.
- Q The treaty of 1830 was made between the United States government and the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river, at a place called Dancing Rabbit Creek on the 27th day of September 1830; at the time that treaty was made it became known that a good many Choctaw Indians 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 signifying his intention to the Agent within six months from the ratification of this Treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled 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 think you understand that now? A I guess so.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw.
- A Long.
- Q What relation to you? A My great grandfather.
- Q How much Choctaw blood did he have? A One half.
- Q Did he live in Mississippi in 1830? A I don't know.
- Q Did he have a family there then? A I don't know.
- Q Do you know whether he or 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.
- Q Did John Long or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830?
- A I don't know.
- Q Did any of them go from the old Choctaw Nation to the new Choctaw Nation Indian Territory between the years 1833 and 1838? A I don't know.
- Q Did any of them go to Colonel Ward within six months after the ratification of the treaty of 1830 and tell him they wanted 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 own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830 or under any other article or the supplement of that treaty? A I don't know.
- Q Did you ever hear that they claimed any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A Never did.
- Q The Indians who stayed in Mississippi after the treaty of 1830 was ratified many of them went to Colonel Ward within six months after the treaty was ratified and told him they wanted to stay in Mississippi take land there and become citizens of the United States; this they were required to do if they wanted to take advantage of the fourteenth article of the treaty.; but Colonel Ward failed to put a great many of their names upon his list known as Wards Register and as a result a good many Indians who had land in Mississippi had it taken from them and sold by the government at it's public land sales; so many compliants were made that Congress in 1837 appointed a Commission which commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830 and in 1842 Congress appointed another commission for the same purpose. Both of these Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830 and made a list of their names. Did any of your ancestors go before either the commission of 1837 or the commission of 1842 and claim benefits under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the United States government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which the government had taken from them in Mississippi and sold? A I can't tell you.
- Q Is Harriet Gambols a relative of yours? A Yes sir.
- Q Your mother is Eliza M. Clowers? A Yes sir.
- Q Do you want to have yours and your mother's cases consolidated under Harriet Gambols case? A Yes sir.

Dock C. Clowers--4.

Gambols et al., 4306 under which all cases will be consolidated of claimants who claim through the same common ancestor.

- Q Is there any thing more you want to say in support of your claim? A No sir.  
Q Have you any evidence you want to present now?

Here L. P. Hudson, Attorney for applicant asks leave to file written evidence in support of this claim in the near future.

- Motion is granted.

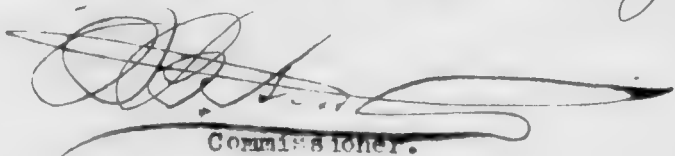
This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; medium fair complexion; dark brown hair; he has no knowledge of the Choctaw language and no knowledge of compliance on part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

ooOoo

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 24th day of February 1902 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Clara Mitchell Wood,*

Subscribed and sworn to before me this 28 day of February 1902.

  
Commissioner.

COPY.

M.C.R. 4840.

Muskogee, Indian Territory, July 24, 1902.

Dock C. Clowers, *Remailed to Remus, Okla.*  
Holdenville, Indian Territory. *May 16 03*

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 Eliza Mahala Clowers, et al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Mahala Clowers,	M C R 4839
Dock C. Clowers, et al.	" 4840
Harriet Gambols, et al.,	" 4306
Ida Aery	" 4307

These applications were made under the provision of the act 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 Eliza Mahala Clowers, Dock C. Clowers, Clara Ulas Clowers, Harriet Gambols, Charlie W. Gambols, Robert H. Gambols, Richard R. Gambols, William N. Gambols, Genie R. Gambols, Altie M. Gambols, Delia Gambols and Ida Aery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, July 25, 1902.

Dook C. Clowers, *Remailed to Remus Clowers*  
Holdenville, Indian Territory. *May 16 03*

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, wherein you ask that the marriage license you filed in support of your application for identification as a Mississippi Choctaw be returned to you.

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 child as Mississippi Choctaws and that your case was consolidated and considered with the case of Eliza M. Clowers and certain other persons applicants to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor, John Long.

The Commission, on July 24, 1902, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza M. Clowers et al., and on the same date notified the several applicants therein of such decision and forwarded the record in the case to the Secretary of the Interior for review.

If you will address a communication to The Honorable,



D. C. C.-2.

The Secretary of the Interior, through the Commissioner of Indian Affairs, Washington, D. C., requesting the return of your marriage license and certificate, no doubt the same will be sent you.

Yours truly,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, September 5, 1902.

Dook C. Flowers, *Remailer to Remus Okela*  
Holdenville, Indian Territory. *May 16 03*

Dear Sir:

You are hereby advised that on the 25th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Mahala Flowers, et al., of which decision you were advised by registered mail on the 24th day of July, 1902.

Yours truly,

*[Signature]*  
Acting Chairman

M C R 4839  
M C R 4840

Muskogee, Indian Territory, May 16, 1903.

Eliza M. Clowers,  
Ramus, Oklahoma Territory.

Dear Madam:

Receipt is hereby acknowledged of a joint letter of yourself and D. C. Clowers, dated May 6, 1903, in which you ask if your claim is "established and all right."

In reply you are informed that it appears from our records that on February 24, 1902, you made application to this Commission for identification as a Mississippi Choctaw. On the same date Dock C. Clowers also made application for the identification of himself and minor child, Clara Ulas Clowers, as Mississippi Choctaws.

On July 24, 1902, the Commission rendered its decision ~~refusing~~ the applications made by yourself and Dock C. Clowers for identification as Mississippi Choctaws. On the same date you were duly notified by registered mail at Holdenville, Indian Territory, your last known post office address, of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

On August 25, 1902, the Secretary of the Interior approved the decision of the Commission refusing your applications, of

K K C 2

which departmental action you were duly advised on September 5, 1902. The Commission now considers these cases closed.

The above mentioned letters of notification were returned to this office marked "unclaimed" and are this day remailed you at Remus, Oklahoma Territory.

Respectfully,

Chairman.

No.

4840

For Identification as a Mississippi Choctaw.

Date

Name *Wesley C. Clowers,*

Age *22* Blood *1/16*

Post Office, *Keokukville, Ia.*

Father; *Casam Clowers, l.*

Mother: *Eliza M. " l.*

Claims through *mother*  
*wife. Minnie Clowers, l. w.*  
*(MINIE)*  
*No claim for wife.*

Children:

*Clara Ulas Clowers, 17 m.*

*Claims for self  
& children.*

Stenographer *Clara M. Wood.*

Choctaw MCR 4841

Jenie Carter

MCR 4841

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

-----0-----

In the matter of the application of Jenie Carter, et al.,  
for identification as Mississippi Choctaws, M. C. R. 4841.

-----0-----

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

-----0-----

	Page.
Original application of Jenie Carter, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	1
Affidavit of Cathrine Franklin,.....	6
Marriage license of Jobe Carter and Jennie Curry,.....	7
Final decision of the Commission to the Five Civilized Tribes, refusing the application of Jenie Carter, et al., for identification as Mississippi Choctaws,.....	8

-----0-----

4841  
Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. February 25, 1902.

In the matter of the application for identification as Mississippi Choctaws of Jenie Carter for herself and her three minor children, Lucinda, Roberta and Pearlle Wanita Carter.

Applicants not represented by attorney.

Jenie Carter being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Jenie Carter.  
Q J-e-n-i-e? A Yes, sir.  
Q What is your age? A I was born in 1874, May 8th.  
Q Eighteen years old are you? A I was born in 1874 May 8th.  
Q You are twenty-six years old? A Twenty-seven I believe.  
Q What is your post office address? A Wynnewood.  
Q Indian Territory? A Yes, sir.  
Q How long have you lived at Wynnewood? A Three years.  
Q Where did you live before that? A Texas.  
Q Where were you born? A Alabama.  
Q What place in Alabama? A Roemer, Alabama.  
Q How long did you live in Alabama? A I was fifteen years old when they left.  
Q When you left Alabama where did you go to? A Texas.  
Q How long did you say you lived in Indian Territory? A Three years, a little over.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A Arthur Curry.  
Q What was your mother's name? A Fannie Curry.  
Q Through which parent do you claim Choctaw blood? A My mother.  
Q Through your mother? A Yes, sir; grandmother.  
Q How much Choctaw blood do you claim? A One-quarter.  
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 What was your father's blood; that is was he an Indian, white man or Negro? A He was a Negro.  
Q Was he a slave before the War? A I don't know.  
Q He lived in Alabama did he not? A Yes, sir.  
Q And was a full blood Negro? A Yes, sir.  
Q Well was he a slave before the War? A I don't know.  
Q Well was he a slave before the War? A I guess so.  
Q Don't you know he was; why don't you tell the truth don't you know he was? A I don't know whether he was a slave before the War.  
Q Was he ever a slave; answer the question; what makes you guess he was? A I don't know how old he was before the War.  
Q Was your father ever a slave answer the question? A Yes, I think so.  
Q Was your mother a slave? A Yes; I reckon so, I never heard them say.  
Q



#2

- Q Did you say your mother was a slave? A Yes, I guess so, I don't know; I never heard her say whether she was a slave or not.
- Q Well you ought to know something about your father or mother; if they were slaves you ought to have heard it in the family; you mean to say that you don't know anything more about your family, to know whether either your father or mother were slaves or not? I don't remember them saying.
- Q How old would your father be if living now? A I don't know sir; how old he would be.
- Q When did he die? A He has been dead five years.
- Q How old was he when he died? A About forty.
- Q He would be about forty-five if living now? A Yes, sir.
- Q How old would your mother be if she were living now? A She would be about forty if living now.
- Q Was your father's father and mother either of them slaves before the War or at any time? A No, sir; not that I know of.
- Q Do you know they were not? A No, sir.
- Q Were your mother's parents slaves? A My grandmother was an Indian.
- Q I asked you whether they were slaves; answer the question; your mother's parents? A I guess so.
- Q Are you married? A Yes, sir.
- Q What is your husband's name? A Joe Carter.
- Q What is he, a Negro? A Yes, sir.
- Q You make no claim for him? A No, sir.
- Q Have you any children you want to make application for? A Three.
- Q What is the name of the oldest? A Lucinda.
- Q How old is she? A Nine years old.
- Q Give me the name of the next? A Roberta.
- Q How old is she? A She is five years old.
- Q The next? A Pearlle Wanita.
- Q How old is she? A Three years old.
- Q That is all of the children? A Yes, sir.
- Q You claim for yourself and these children? A Yes, sir.
- Q Is Joe Carter the father of these children? A Yes, sir.
- Q They are living with you at your home are they? A Yes, sir.
- Q How much Choctaw blood did your mother have? A She was half.
- Q How much Negro blood? A She was half Negro.
- 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 citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1866? A No, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission for the purpose of being identified and for the identification of your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A I don't know whether I do or not.

The treaty of 1830, some times called the treaty of Dancing Rabbit Creek, because it was made at a place by that name in the state of Mississippi on the 27th of September 1830, was a treaty made between the United States government and the Choctaw

tribe of Indians for the purpose of the removal of the members of the Choctaw tribe of Indians who lived East of the Mississippi River from the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory and in order to provide for them and protect their interests article fourteen was drafted and put into the treaty of 1830. It then became signed and was afterwards ratified. 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 Do you think you understand that article now? A Yes; I think so.
- Q Do you know whether any of your ancestors complied with its provisions? A My grandmother.
- Q What about your grandmother? A You say if they complied with them?
- Q Yes; with the provisions of this article; did your grandmother ever do the things that were required to be done in this article fourteen of the treaty of 1830? A No, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw; is it your grandmother that you are claiming through? A Yes, sir.
- Q What was her name? A Caroline Shaver.
- Q Do you know how to spell that? A No.
- Q Did she live in Mississippi or Alabama? A She lives in Alabama.
- Q Did she live in Alabama in 1830, seventy-two years ago? A No, sir; I don't know; whether she did or not I heard her say at home that she came from North Alabama.
- Q Do you know in what part of Alabama she lived in? A No, sir.
- Q How old would she be if she were living now? A I don't know sir how old she would be.
- Q How much Choctaw blood did she have? A Her father was a full blood Choctaw.
- Q What was his name? A John Ochiltree.
- Q Did he live in Mississippi or Alabama in 1830? A Yes; I heard them say that he lived in Mississippi.
- Q In 1830? A Yes, sir.
- Q John Ochiltree? A Yes, sir.
- Q Did he have a family there at that time? A I don't know sir.
- Q Have you had any relatives who have been here to be identified? A No, sir.
- Q No one that you are related to been here? A No, sir.
- Q Now how old do you think your grandmother Caroline Shaver would be if she were living now? A I reckon she would be about seventy or seventy-five, if living now.

#4

- Q What relation was John Ochiltree to her? A Her father.
- Q You claim then through John Ochiltree do you? A Yes, sir.
- Q He would be your great grandfather? A Yes, sir.
- Q Was Caroline Shaver born in Mississippi or Alabama if you know which state? A I don't know where she was born at; she says she came from North Alabama.
- Q Did your great grandfather John Ochiltree or any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A Yes, sir.
- Q Do you know it? A Yes; my great grandfather lived there.
- Q Well the question is did he have any improvements on land in Mississippi or Alabama in 1830? A No, sir; not that I know of.
- Q Did he or 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 and tell him that they wanted to stay in Mississippi take land there and become citizens of the United States? 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 your Choctaw ancestors own or claim any land in Mississippi or Alabama from the United States government as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir; not that I know of.
- Q Did any of your Choctaw ancestors own or claim 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 I don't know sir.
- Q Did any of your Choctaw ancestors claim any benefits or receive any as Choctaw Indians under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A No, sir; not that I know of.

According to the provisions of article fourteen of the treaty of Dancing Rabbit Creek the Choctaw Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, were required, if they wanted to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians did this, whose names Colonel Ward failed to put upon his list known as Ward's register and this neglect of his caused a good many Indians who held land in Mississippi to lose both their land and the improvements which they had upon it. Both were taken from them by the government and sold at public land sales. This caused a great deal of distress among the Indians and a great many complaints and as the result of these complaints Congress appointed a Commission under act approved March 3, 1837 which Commission went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 by act approved August 23, of that year another Commission was appointed by Congress for the same purpose and this Commission also went to the state of Mississippi and heard claimants under article fourteen of that treaty.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits as Choctaw Indians? A No, sir.

The act of Congress of August 23, 1842, provided; that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek if it also further appeared that he had formerly had land in Mississippi which had been taken from him by the government and sold that 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 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? A No, sir.
- Q Have you had any relatives or kins-people who have been before the Commission to be identified as Mississippi Choctaws? A No, sir.
- Q You are the first of your family or kin? A Yes, sir.
- Q No one else has been here claiming through John Ochiltree? A No, sir.
- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Have you any other evidence that you want to submit now? A No, sir.
- Q Do you care to have any time in which to present other testimony or evidence? A No, sir.
- Q Is there anything more you want to say? A No, sir.

This applicant has the appearance and physical characteristics of being descended from Negro parents; she claims one-quarter Choctaw Indian blood; her hair, color and features indicate Negro rather than Indian blood. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her 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 February 25, 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 8 day of March 1902.

*W. H. Hillwood*  
Notary Public.

OK  
C.W.

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

-----0-----

In the matter of the application of Jenie Carter, et al.,  
for identification as Mississippi Choctaws, M. C. R. 4841.

-----0-----

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

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Jenie Carter for herself and her three minor children, Lucinda, Roberta and Pearlie Wanita Carter, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of John Ochiltree (or John Ockitree), 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 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 Ochiltree (or John Ockitree), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180)

and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jenie Carter, Lucinda Carter, Roberta Carter and Pearlie Wanita Carter as Chestaw Indians entitled to rights in the Chestaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James C. Cobby,

Acting Chairman.

T. I. Hurdless,

Commissioner.

C. J. Buchanan,

Commissioner.

Muskogee, Indian Territory,

DEC 5 1905



M.C. 4B41

Muskogee, Indian Territory, March 11, 1902.

Jobe Carter,

Wynnewood, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the sixth instant, inclosing marriage certificate between Jobe Carter and Jennie Curry, and affidavit of Catherine Franklin, offered in support of the application of your wife, Jenie Carter, for the identification of herself and children as Mississippi Choctaws. The same have been filed with the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.



Miss. Choctaw 4841

Muskogee, Indian Territory, March 26, 1902.

Jobe Carter,

Wynnewood, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty fourth instant, asking if your wife, Jennie Carter, has been enrolled as a Mississippi Choctaw.

In reply to your letter you are advised that it appears from our records that Jenie Carter, of Wynnewood, Indian Territory, twenty seven years of age, wife of Joe Carter, has made application to this Commission for identification as Mississippi Choctaws for herself and her three minor children, Lucinda, Roberta and Pearlle W. Carter, and that no decision has yet been reached nor opinion rendered relative to their rights as Mississippi Choctaws. As soon as a decision is reached she will be notified of the action taken by the Commission.

Yours truly,

Commissioner in Charge.

COPY

Muskogee, Indian Territory, December 5, 1902.

Jenie Carter,  
Wynnewood, Indian Territory.

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 Jenie Carter, 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 Jenie Carter, Lucinda Carter, Roberta Carter and Pearlie Wanita Carter as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Jenie Carter-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,

RESIGNED

*Jacno Biaby.*

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, December 5, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jenie Carter, 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 Jenie Carter, Lucinda Carter, Roberta Carter and Pearlie Wanita Carter as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

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

Respectfully,

*James D. Kirby*

Acting Chairman.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Jenie Carter, 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.I. 4841.

COPY

DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS.  
WASHINGTON.

Land  
76181--1902.

March 2, 1903.

The Honorable,

The Secretary of the Interior.

sir:

There is transmitted, herewith for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Jennie Carter, for herself and her three minor children, Lucinda, Roberta and Pearlie Wanita Carter, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification under this application, on their descent from John Ochiltree (or Ockitree) and Caroline Shaver, who it is alleged were Choctaw Indians and residents in the Choctaw Nation, in Mississippi in 1830, through Fannie Curry.

The Commission rejected the applicants December 5, 1902, because the names of their ancestors through whom they claim do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; and for the additional reason that the applicants had

never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office discloses the fact that the names of Caroline Shaver and John Ochiltree (or Ockitree), does 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 to adjudicate the claims of those having rights as Choctaw Indians.

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

Very respectfully,

A. C. Tonner,

Acting Commissioner.

C.T.C.(E.)

COPY

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

JWH  
WHR

D C 9214  
I T D 2520-1903.

L R S

March 31, 1903.

The Commission

to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

December 22, 1902, you transmitted the record in the case involving the application of Jenie Carter (M C R 4841), for herself and her three minor children, Lucinda, Roberta and Pearl-  
ie Wanita Carter, for identification as Mississippi Choctaws, in-  
cluding your decision of December 5, 1902, refusing to identify  
them as such.

The principal applicant, Jenie Carter, whose quantum of Choctaw blood is one-eighth, and who is also of African de-  
scent, was born in 1874. She obtained her Choctaw blood from her  
mother, Fannie Curry. The latter was the daughter of Caroline  
Shaver, whose father, John Ochiltree (or John Ockitree), was a  
full blood Choctaw. The testimony does not show clearly whether  
any of said applicant's ancestors were slaves or not.

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



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

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

Reporting in the matter March 2, 1903 (Land 76181-1902), the Acting Commissioner of Indian Affairs recommends that your decision be approved.

Finding no reason to disturb your decision it is accordingly hereby affirmed.

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

Respectfully,

(signed) THOS RYAN

1 Inclosure.

Acting Secretary.

COPI

Muskogee, Indian Territory, April 8, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 31st 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 Jenie Carter, et al., of which decision you were advised by mail on the 5th day of December, 1902.

Respectfully,

(SIGNED)

*Tamc Bibby.*  
Chairman.

✓  
M C R 4841

COPY.

Muskogee, Indian Territory, April 8, 1903.

Jenie Carter,  
Wynnewood, Indian Territory.

Dear Madam:

You are hereby notified that on the 31st 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 Jenie Carter, et al., of which decision you were advised by registered mail on the 5th day of December 1902.

Respectfully,

(SIGNED)

*Tamc Bixby*  
Chairman.

4841

No. 1185

For Identification as a Mississippi Choctaw.

Date

11

Name Jennie Carter,

Age 27 - Blood 1/4

Post Office, Wynnewood, L. T.

Father: Arthur Curry, d. negro.

Mother: Fannie " d.

Claims through mother  
Husband, Joe Carter, negro.

No claim for husband.

Children:

Lucinda Carter, 9

Roberta " 5

Pearlie W. " 3

Claims for self & children

Stenographer G. R. ...

Choctaw MCR 4842

Jeff Brooks

See MCR 4858

MCR 4842

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. February 25, 1902.

4842

In the matter of the application for identification as Mississippi Choctaws of Jeff Brooks for himself and his nine minor children Mariah, Mathew, Laura, Alice, Abraham, Isaac, Jacob, Docia, (Doshie) and Mollie Brooks.

Not represented by attorney.

Jeff Brooks being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Jeff Brooks.  
Q What is your age? A Forty-six.  
Q What is your post office address? A Wynnewood, Indian Territory.  
Q How long have you lived in Wynnewood? A About four months.  
Q Where did you live before that? A Texas.  
Q Were you born in Texas? A Yes, sir.  
Q Always lived there until you went to Wynnewood? A Yes, sir; until three or four months ago.  
Q Where were you born? A Panola County, Texas.  
Q Is your father living? A No, sir; he is dead.  
Q Is your mother living? A Yes, sir.  
Q You claim your Choctaw blood through whom, father or mother? A Through my mother.  
Q What was her name? A Mary Brooks.  
Q What was your father's name? A Anderson Cooper.  
Q You say you claim through your mother? A Yes, sir.  
Q How much Choctaw blood do you claim? A I suppose about one-half.  
Q Well you don't look it; you mean to say that you are a one-half Choctaw Indian? A You can tell.  
Q I can't tell; I want you to tell; you think you are a one-half Choctaw Indian? A Yes sir.  
Q You do? A Yes, sir.  
Q You claim that? A Yes, sir.  
Q What was your father a full blood Negro? A Yes, sir.  
Q Was he a slave? A Yes, sir.  
Q How much Choctaw blood did your mother have? A Full blood.  
Q Did she have any Negro blood? A No, sir.  
Q Was she a slave? A Yes, sir.  
Q Now will you explain how it happened that your mother, a full blood Choctaw Indian was a slave? A Well she was-----  
Q Stolen I suppose? A Yes, sir.  
Q They are all stolen? A I don't know about that.  
Q Where was she stolen from? A Mississippi.  
Q Where did she live in Mississippi? A She lived in what they called Six-Towns.  
Q How old is she? A She is seventy-seven.  
Q Where was she born? A In Mississippi.  
Qx What was her father's name? A Walter Brooks.  
Q Was he a Negro? A No, sir.

#2

- Q What was he? A Full blood Indian that is what my mother always told me.
- Q What was your mother's mother's name? A Well, she said her mother died when she was small; she never did know what her name was.
- Q Well was she married to Walter Brooks? A Yes, sir.
- Q Were they married? A Yes, sir.
- Q Married by a minister? A I don't know.
- Q Married under a license? A Yes, sir; I guess so.
- Q What was your mother's mother's name? A I don't know.
- Q How much Choctaw blood did she have? A Full blood.
- Q And your mother's father and mother were both full blood Choctaw Indians? A Yes; according to my mother.
- Q And lived in Mississippi? A Yes, sir.
- Q Did Walter Brooks speak the Indian language? A She said he did.
- Q Did his wife speak the Choctaw language? A Yes; that is what she claimed.
- Q You said a little while ago that she did not know anything about her mother? A That is what other parties said.
- Q Your mother don't know enough about her mother to know her name? A She don't know only what folks told her.
- Q But she did happen to hear that she was a full blood Indian and did happen to hear that she spoke Choctaw? A Yes, sir.
- Q Of course you heard that? A Yes, sir.
- Q What was her color? A I don't know I never seen her.
- Q Tell did you never hear? A Yes, I heard.
- Q What did you hear? A I heard that she was asort of a yellowish color.
- Q What was the color of her hair? A Black.
- Q Was it straight? A I Judge so. I could not tell, I never seen it.
- Q Did you ever hear? A No, sir.
- Q Did you ever hear that it was curly? A No, sir.
- Q What was the color of her eyes? A I never heard.
- Q Was your mother's mother a slave? A No, sir.
- Q How do you know? A That is what she says; she was not a slave at that time herself.
- Q How do you know? A I am going on what my mother told me.
- Q You claim your mother was stolen from her parents and made a slave? A Yes, sir.
- Q And that is the way, she, a full blood Indian, became a slave? A Yes, sir.
- Q Did your mother look like an Indian or Negro? A She looked like an Indian, she don't favor Negro at all. I can produce my mother.
- Q Do you make any claim for children? A Yes, sir; for my children.
- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Rosie.
- Q What is she a Negro? A Yes, sir.
- Q Is she living? A Yes, sir.
- Q Do you make any claim for her? A None at all.
- Q Were you a slave at any time? A Yes, sir.
- Q How did you happen to be a slave? A I was born a slave.
- Q You were a slave because your mother was? A Yes, sir.
- Q Where were you living when you were a slave? A Panola County Texas.
- Q What is the name of your oldest child under twenty-one years of age and unmarried for whom you want to make application now? A Mariah.
- Q Mariah Brooks? A Yes, sir.
- Q How many children have you? A Nine,--she is nineteen years old.
- Q How old is she? A Nineteen.

- Q Is she married? A No, sir.
- Q None married? A None married; she is the oldest.
- Q What is the name of the next child? A Wathew.
- Q How old is he? A He is seventeen.
- Q What is the name of the next? A Laura a girl.
- Q How old is she? A Laura is fifteen.
- Q Next? A The next is a girl, her name is Alice Brooks.
- Q How old is Alice? A Thirteen.
- Q Thirteen? A Yes, sir.
- Q Next? A The next is a boy, his name is Abraham.
- Q How old is Abraham? A He is eleven.
- Q Next? A The next is a boy named Isaac.
- Q How old is Isaac? A Nine.
- Q The next? A The next one is a boy named Jacob.
- Q How old is Jacob? A Seven.
- Q Next? A The next is a girl, Docia.
- Q How do you spell that? A D-o-s-h-i-a.
- Q No, sir; you don't spell it that way, D-o-c-i-a? A I guess that is right, she is five years old.
- Q Any others? A One named Mollie.
- Q How old is Mollie? A Two.
- Q You claim for yourself and these children? A Yes, sir.
- Q Is Rosie Brooks the mother of these children? A Yes, sir.
- Q You are the father of these children? A Yes, sir.
- Q They all live with you at your home do they? A Yes, sir.
- Q When and where were you married to your wife? A Panola County, Texas.
- Q When were you married? A I married in 1863.
- Q What day of the month? A The 26th of June.
- Q By a minister and under a license? A Yes, sir.
- Q Have you your marriage license and certificate with you? A No, sir.
- Q Do you think you can introduce evidence or proof of your marriage if given time? A Yes, sir.

A reasonable time will be allowed this applicant for the introduction of proof of his marriage to his wife in support of the application he makes for his minor children.

- Q Is your name or the names of your minor children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, 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 United States authorities in Indian Territory? A If she did it was done while she was young. Not since she has been brought out from Mississippi.
- Q Have you ever made application for yourself or any of your minor 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 for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1876? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation to either 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 to identify yourself and your minor children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.



#4

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

The treaty of 1830, some times called the treaty of Dancing Rabbit Creek, because it was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September 1830 was made for the purpose of removing all of the members of the Choctaw tribe of Indians who lived in Mississippi and Alabama from that old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect their interests and preserve their rights an article was drafted and put into the treaty of 1830, which was afterwards called article fourteen of the treaty and which 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 now? A I heard it but I don't understand that.
- Q Well it has been read and explained to you, don't you understand it? A In the first place I don't know what you mean by an article or treaty.
- Q An article is a part of a treaty; a treaty is number from one up to as many article as there are in it. An article of a treaty is a part of it. You know what a Chapter in a bible is? A Yes, sir.
- Q And a verse in a Bible or book? A Yes, sir.
- Q When I speak to you about a verse in the Chapter you know what I mean? A Yes, sir.
- Q Well an article is a part of a treaty, just the same as a verse is a part of a chapter in the Bible. Now do you understand what an article is? A Yes, sir.
- Q You also understand that a treaty is an agreement between two or more Nations? A Yes, sir.
- Q The treaty of 1830 was made in that year between the Choctaw Nation and the United States government, two Nations? A Yes, sir.
- Q And the object of that treaty was to get the Indians who lived in the old Choctaw Nation, East of the Mississippi River, to go to the Choctaw Nation, Indian Territory, do you understand that? A Yes, I understand now.
- Q Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation but wanted to stay back there in the old Choctaw Nation? A Yes, sir.
- Q And this article was drawn up and put into the treaty to protect the interests of those Indians who stayed back there; you

- understand that? A Yes, sir.
- Q They could get land in Mississippi and after they stayed on it for five years they would get a deed for it from the government and they would have all the rights that the other Indians had except that they would not have any right to the annuities which was money payments to the other Indians? A Yes, sir.
- Q Providing the went to the United States Indian Agent whose name was Colonel Ward, within six months after that treaty was signed within six months from the time it was ratified? A Yes, sir.
- Q And told him that they wanted to stay in Mississippi, take land there and become citizens of the United States and that they did not want to be Choctaw Indians any longer but wanted to become citizens of the United States? you understand that? A Yes, sir.
- Q Did any of your Choctaw ancestors do those things that I mentioned? A I don't know.
- Q You understand that now do you? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Walter Brooks
- Q What relation was he to you? A Grandfather.
- Q How much Choctaw blood do you claim that he had? A Full blood.
- Q Did he live in Mississippi in 1830? A Yes, that is what my mother said.
- Q What was his wife's name? A I don't know.
- Q How much Choctaw blood did she have? A Full blood she claimed.
- Q You are sure are you? A Yes, sir.
- Q Did you say that Walter Brooks was a slave? A No, sir.
- Q He was not a slave? A No, sir.
- Q Was his wife a slave? A No, sir; I reckon not.
- Q Do you know? A No, sir; I never heard of them being any slaves.
- Q But your mother was? A Yes, sir.
- Q Was your father? A Yes, sir.
- Q But you never heard that her father or mother were? A No, sir.
- Q Did you say that Walter Brooks lived in Mississippi in the year 1830? A Yes, sir.
- Q Did he own any improvements on land in Mississippi in 1830? A My mother said he did.
- Q I did not ask you whether he owned lands; I asked whether he had any improvements on land? A I don't know I reckon he did.
- Q You don't know? A No, sir; I don't know.
- Q You think he owned property in 1830 in Mississippi? A Yes, sir.
- Q Now then later on your mother became a slave; what became of that property that her father had in Mississippi? A I don't know sir.
- Q A little strange that your mother's father and mother were free and owned property in Mississippi and later on their daughter became a slave and lost her interest in her parents property? A You want me to explain that?
- Q Yes? A Well, she told me that she was taken from her father's house by a man in Missouri at the age of nine years old until she was nineteen years old and she married about that time and then she moved, this man moved to Texas I think and brought her over there.
- Q What kind of a house did she live in when she was taken from her father's house? A I don't know.
- Q Her father and mother were full blood Indians? A Yes, sir.
- Q And lived in houses like white people? A I don't know.
- Q Do you understand that the Indians at that time lived like white people? A No, sir; I don't understand nothing about how they lived.
- Q Well if you were not born at that time and don't know anything about it you are not able to testify about it? A By what my mother said.

- 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 or forty? A I don't know sir.
- 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 Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did they own any land or claim any 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 they ever claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know sir.

Q Article fourteen of the treaty of 1830 provided that if Choctaw Indians who stayed in the old Choctaw nation in Mississippi and Alabama desired to take advantage of the provisions of that article of that treaty they should within six months from the ratification of the treaty go to the United States Indian Agent at his agency in Mississippi and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A great many Choctaw Indians who stayed back in the old Choctaw Nation did this, but Colonel Ward, the United States Indian Agent, for some reason failed to put the names of almost all of them upon a list made by him and now known as Ward's register. His neglect to do so caused a great many Indians who held land in Mississippi upon which the had improvements to lose them for the land and the improvements were both taken from them by the government of the United States and sold at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837, by an act approved March 3, of that year, a Commission was appointed by Congress which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 Congress appointed another Commission for the same purpose under an act approved August 23, of that year and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that if any Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also further appeared that he had had land in Mississippi which the government had taken from him that 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 to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know sir.
- Q Have you any relatives who have been before this Commission to be identified? A Yes sir.
- Q Who? A My mother and my three sisters.
- Q What is your mother's name? A Mary Brooks.

#7

Q When did she appear before the Commission? A Last year?

Mississippi Choctaw Index has been examined and the name of Mary Brooks who this applicant claims is his mother and who he claims made application to be identified as a Mississippi Choctaw cannot be found thereon neither can the names of any other relatives given by him be found upon the Mississippi Choctaw Index.

- Q Do you speak the Choctaw language? A No, sir.  
Q Have you any evidence that you want to introduce further? A No, sir; nothing more than that I have another brother.  
Q Have you any evidence or testimony here now before the Commission that you want to introduce? A No, sir.  
Q Do you want time in which to introduce further testimony in this case? A Yes, sir.  
Q What do you propose to introduce later on? A My mother and sister and all.  
Q Have they not been here? A Yes, sir.  
Q You want them to come here again? A Yes; if I need them.  
Q When? A Right away just as soon as I can get them.  
Q Within ten days? A Yes, sir.

A reasonable time not to exceed thirty days will be granted this applicant in which to introduce further testimony in this case if introduced under the rules of the Commission.

This applicant has the appearance and physical characteristics of being descended from Negro parentage. He claims one-half Choctaw blood but looks like a full blooded Negro; hair is black and coarse and the hair of the full blood Negro. 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 February 25, 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.

*Samuel H. Wood*

Notary Public.

Miss. Chooc. 4842,  
4843, 4863.

Muskogee, Indian Territory, March 22, 1902.

Jeff Brooks,

Wynnewood, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the nineteenth instant, inclosing affidavit of Sada Williams, offered for filing in support of the application of Mary Brooks for identification as a Mississippi Choctaw; certified copy of marriage license and certificate between Lewis Spencer and Frances Brooks, offered in support of the application of Frances Spencer, et al., and certified copy of marriage license and certificate between Jeff Brooks and Rosa McDowell, offered in support of the application of Jeff Brooks, et al. for identification as Mississippi Choctaws. The same have been filed with the records in the above named cases.

There is returned to you herewith the paper purporting to be a certificate of J. L. Raypole to certain extracts from Volume 7 of American State Papers, for the reason that the same has not been signed by him as such Notary Public nor has his notarial seal been affixed thereto.

Yours truly,

COPY

M C R 4842

Muskogee, Indian Territory, April 13, 1903.

Jeff Brooks,  
Wynnewood, Indian Territory,

Dear Sir:

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

Mary Brooks,	M C R 4858
Mollie Bigger, et al.,	M C R 5122
Jeff Brooks, et al	M C R 4842
Frances Spencer, et al.,	M C R 4883
Laura Jones, et al.,	M C R 4859
Ada Walls, et al.,	M C R 4860

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Brooks, Mollie Bigger, Willie Bigger, Martha Eadie Bigger, Dora Bigger, Neel Bigger, Jeff Brooks, Mariah Brooks, Mathew Brooks, Laura Brooks, Alice Brooks, Abraham Brooks, Isaac Brooks, Jacob Brooks, Docia (or Doshie) Brooks, Mollie Brooks, Frances Spencer, Jimmie Spencer, Laura Jones, John Jones, Ezeziel Jones, Rance

J B 2.

Jones, Malissa Jones, Minnie Jones, Sam Jones, Charlie Jones, Ada Walls, Fred Walls, Mary Walls, Clancy Walls and Lula Walls as Choctaw Indians entitled 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,

SIC:

*James Henry*

Chairman.

Registered.

Muskogee, Indian Territory, April 30, 1903.

Jeff Brooks,  
Wynnewood, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You ask that you be allowed an extension of ten days in which to offer additional proof in support of your claim.

In reply you are informed that the fifteen days from April 13, 1903, heretofore granted you in this case, expired on April 28, 1903, and on April 29, 1903, the record in your case, together with the decision of the Commission refusing your application, was forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence in support of your case.

Respectfully,

Chairman.



M. C. R. 4942.

Muskogee, Indian Territory, July 22, 1903.

Jeff Brooks,

Wynona, Indian Territory.

Dear Sir :-

You are hereby notified that on the 10th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Missis-sippian Indians of the several persons included in the consolidated case of Jeff Brooks et al., of which decision you were advised by registered mail on the 10th day of April, 1903.

Respectfully,

*C. B. W. C.*  
Commissioner in charge.

M C R 4842

Muskogee, Indian Territory, February 28, 1906.

Henry Brooks,

#410 West 2nd St.,

Oklahoma City, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 20th, 1906, in which you request to be informed if your brother, Jeff Brooks, and your sister, Laura Jones have been enrolled as Mississippi Choctaws, and if you can now make application for such enrollment.

In reply you are informed that Jeff Brooks, M.C.R. 4842, and Laura Jones, M.C.R. 4859, have not been enrolled. They were refused identification as Mississippi Choctaws by the Commission to the Five Civilized in a decision rendered April 13, 1903. This decision was affirmed by the Secretary of the Interior June 18, 1903. Jeff Brooks and Laura Jones, above mentioned, are not at this time entitled to share in the allotment of the lands of the Choctaws and Chickasaws.

Relative to your making application your attention is invited to the following provision of the Act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

Henry Brooks 2

"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 will note from the above legislation that the time within which applications for identification as Mississippi Choctaws could be received, expired March 25, 1903. Therefore, this office is now without authority to receive or consider your application.

Respectfully,

Acting Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name Jeff Brooks.

Age 46 — Blood 1/2

Post Office, Wynnewood, I. T.

Father: Anderson Cooper, <sup>negro</sup> <sub>slave</sub> d.

Mother: Mary Brooks, <sup>slave</sup> l.

Claims through mother

wife. Rosie Brooks, negro. l.

No claim for wife -

Children:

Mariah Brooks,	19.
Mathew "	17.
Laura "	15.
Alice "	13.
Abraham "	11.
Isaac "	9
Jacob "	7
Docia "	5
Mollie "	2

Claims for self & children.

Stenographer G. Rosenwinkel

Choctaw MCR 4843

Mary O. Pope

See MCR 3561, 2757, 2758  
2256, 5193, 5194, 5192

MCR 4843

*Sub*

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

-----

In the matter of the application of Mary Ophelia Pope,  
et al., for identification as Mississippi Choctaws, consolidating  
the applications of -

Mary Ophelia Pope, et al.,	M.C.R. 4843
Annie Findley, et al.,	M.C.R. 3561
William H. Lewis, et al.,	M.C.R. 2757
Daniel B. Lewis, et al.,	M.C.R. 2758
Ida Lewis,	M.C.R. 2256
Lewis B. Pope,	M.C.R. 5193
Clara B. Sykes, et al.,	M.C.R. 5192
Bertha A. Lewis,	M.C.R. 5194

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

	Page.
Original application of Mary Ophelia Pope, et al., before the Dawes Commission for identification as Mississippi Choctaws - - - - -	1
Original application of Annie Findley, et al., before the Dawes Commission for identification as Mississippi Choctaws - - - - -	6
Certified copy of the marriage record of D. S. Findley and Annie Lewis - - - - -	11
Affidavit of A. C. Harrison and S. W. Agnew - - - - -	12
Original application of William H. Lewis, et al., before the Dawes Commission for identification as Mississippi Choctaws - - - - -	15
Certified copy of affidavit of John Lewis - - - - -	17

Certified copy of affidavit of Willis Jackson - - - - -	19
Affidavit of Willis Jackson - - - - -	20
Affidavit of John Lewis - - - - -	21
Affidavit of Sarah B. King - - - - -	22
Affidavit of S. W. Agnew and G. W. Williams - - - - -	23
Certified copy of marriage record of W. H. Lewis and Minnie Germany - - - - -	24
Original application of Daniel B. Lewis, et al., before the Dawes Commission for identification as Mississippi Choctaws - -	25
Affidavit of John Lewis - - - - -	28
Affidavit of Willis Jackson - - - - -	29
Affidavit of Sarah B. King - - - - -	30
Affidavit of S. W. Agnew and G. W. Williams - - - - -	31
Certified copy of marriage record of D. B. Lewis and S. M. McCarty - - - - -	32
Original application of Ida Lewis before the Dawes Com- mission for identification as a Mississippi Choctaw - - - - -	33
Affidavit of Willis Jackson - - - - -	36
Original application of Lewis B. Pope before the Dawes Commission for identification as a Mississippi Choctaw - - - -	37
Original application of Clara B. Sykes, et al., before the Dawes Commission for identification as Mississippi Choctaws - -	42
Original application of Bertha A. Lewis before the Dawes Commission for identification as a Mississippi Choctaw - - - -	46
Decision of the Commission refusing the consolidated appli- cation of Mary Ophelia Pope, et al., for identification as Mississippi Choctaws - - - - -	51

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. February 25, 1902.

4843

In the matter of the application for identification as Mississippi Choctaws of Mary Ophelia Pope for herself and her four minor children Francis M., Charlie, Sadie and Allie Pope.

Applicants not represented by attorney.

Mary Ophelia Pope having been first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Ophelia M. Pope,--why Mary Ophelia Pope.  
Q What is your age? A Forty-five.  
Q What is your post office address? A Ft Worth, Texas.  
Q How long have you lived at Fort Worth? A Nine years.  
Q Where did you live before that? A In Cherokee County, Eastern Texas.  
Q Where were you born? A In Texas.  
Q Always lived in that state? A No, sir; I lived in South Carolina  
Q When did you live in South Carolina? A I went there in sixty-nine.  
Q And lived there how long? A Until seventy-four and then went back to Texas and then in seventy-eight I went to South Carolina again.  
Q And stayed there how long? A Until eighty-five I believe it was.  
Q And where have you lived in Texas since you went to Texas the last time? A We went from South Carolina to Cherokee County first.  
Q Is your father living? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What was your father's name? A Daniel D. Lewis.  
Q What is your mother's name? A Her maiden name you mean?  
Q No; her name now? A Her name is Sarah King. Now, she was married since my father died.  
Q What is her present husband's name? A Bernard, B-e-r-n-a-r-d King.  
Q Through which parent do you claim 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 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 Did he ever live in Indian Territory? A No, sir.  
Q When did he die? A He died in seventy-one.  
Q Where did he die? A In Greenville, South Carolina.  
Q Did he always live in that state? A No, sir.  
Q He never lived in Indian Territory? A No, sir.  
Q How old was he when he died? A He was fifty-three.



#2

- Q Where was he born? A He was born in South Carolina.
- Q What place in South Carolina? A Union County.
- Q Where did he live,--in what other states besides South Carolina?  
A In Texas.
- Q He went from South Carolina to Texas? A Yes, sir.
- Q And then went back again and died in South Carolina? A Yes, sir
- Q Are you married? A Well, I am a widow.
- Q Have you any minor children that you are going to make application for? A I have five under twenty-one and two that is over twenty-one.
- Q What is your husband's name? A Francis Marion Pope.
- Q You say he is dead? A Yes, sir.
- Q He was not an Indian was he? A No,, sir.
- Q White man? A Yes, sir.
- Q Was he the father of these minor children that you are going to make application for? A Yes, the father of them all.
- Q Give me the name of the oldest minor child that you are goin to make application for? A Bertha, but she is married.
- Q She will have to make application for herself.
- Q What is the name of the oldest unmarried and under age that you want to make application for? A Francis M. Pope
- Q How old is Francis? A He is nineteen.
- Q He is a boy? A Yes, sir.
- Q What is the name of the next child? A Charlie.
- Q How old? A He will be twelve in March.
- Q He is eleven now? A Yes, sir.
- Q What is the name of the next? A Sadie, S-a-d-i-e.
- Q How old is she? A She was ten this month.
- Q What is the name of the next? A Allie.
- Q A-l-l-i-e? A Yes, sir.
- Q Boy or girl? A Girl.
- Q How old is she? A Seven.
- Q The next? A That is all.
- Q You say Francis M. Pope is the father of these children? A Yes, sir.
- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? aA No, sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you understand article fourteen of the treaty of 1830? A Yes, I think I do.
- Q Would you like to have it further explained to you? A No, sir; I understand it well.
- Q Without the explanation 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 know whether any of your ancestors complied with the provisions of that article of that treaty? A No, sir; I do not.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Rachel Davis.
- Q Is that the way you spell it, R-a-c-h-e-l? A Yes, sir.
- Q What relation was she to you? A She is my great grandmother, was.
- Q How much Choctaw blood did she have? A I think she was a full Choctaw, my father always said so.
- Q Did she live in Mississippi or Alabama? A I think in Mississippi.
- Q Did she live there in 1830? A Yes; in 1830, at the time they made the treaty.
- Q Did she have a family there at that time? A I think so; Yes; that is what my father said.
- Q You have heard this in the family? A Yes, sir.
- Q Through your father? A Yes; through my father.
- Q Do you know where in Mississippi she lived? A No, sir; I don't I could find out through my mother but I don't know now.
- Q How old would she be if living now? A She would be over a hundred, my father was way up in eighty and it was his grandmother.
- Q Do you know when she died? A No, sir; but she died when my father was quite small.
- Q How old would your father be if living now? A About eighty-three I think.
- Q Where was he born? A In South Carolina.
- Q He claimed through which parent his father or mother? A His father I think.
- Q His father would be your grandfather; what was his name? A John Lewis.
- Q Where did he live? A In Virginia.
- Q Was he born in Virginia? A I don't know.
- Q Did he ever live in Mississippi? A I could not tell you.
- Q He claimed through whom, which parent, father or mother? A You mean my father's father?
- Q Yes? A I think from his mother.
- Q Rachel? A Yes, sir.
- Q You say his name was Lewis? A Yes; my father's father was named John Lewis.
- Q But, you say his mother's name was Rachel Davis? A Well that was her maiden name and I suppose she married a Lewis.

#4

- Q Then your great grandmother was Rachel Lewis and her maiden name was Rachel Davis? A Yes, sir.
- Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did she have a Choctaw Indian name? A I never heard.
- Q Did she speak the Choctaw language? A Yes; at least my father says so.
- Q What was her husband's name? A I don't know.
- Q Was he a white man or Indian? A I don't know I never heard; I think she died before my father was born.
- 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, Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors own any lands or claim any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know whether they did or not, but I have some relatives living in Mississippi now.
- Q You don't know whether they got any land under article fourteen from the government? A No, sir; I do not.
- Q Did any of your Choctaw ancestors own or claim any land or any benefits in Mississippi or Alabama, in the old Choctaw Nation, under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty to your knowledge? A No, sir; I don't know.
- Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know.

The Indians who stayed in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified were required provided they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward, who had an Agency in Mississippi at that time, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this within the time limited under article fourteen of the treaty of 1830 whose names Colonel Ward should have placed upon his list known as ward's register, but, he neglected to do it and the result was that a good many Choctaw Indians who had land in Mississippi and Alabama, in the old Choctaw Nation, upon which they had improvements, lost both their land and their improvements; they were taken from these Indians by the government of the United States and sold at its public land sales. This caused a great many complaints among the Choctaw Indians especially among those who lost their land, and as the result of the complaints made Congress appointed a Commission in 1837, by an act approved March third of that year and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830 and made lists of the names of all claimants who came before it. In 1842 by an act approved August 23rd of that year Congress appointed another Commission which also went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits as Choctaw Indians? A I don't know.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek and if it also further appeared that he had had land in Mississippi or Alabama in the old Choctaw Nation which the government had taken from him and sold that 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 to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.
- Q Have you had any relatives who have been here before the Commission to be identified? A I have two brothers and two sisters who have been at Atoka.
- Q What is the name of your oldest brother? A W. H. Lewis.
- Q What does the "W" stand for? A William.
- Q William H. Lewis? A Yes, sir.
- Q What is the name of the other brother? A Daniel B. Lewis.
- Q Do you want to have the cases of your relatives considered with yours when your application is considered by the Commission? A A Yes, sir.
- Q And you would like to have them grouped under one head, William H. Lewis? A Yes, sir.

Reference is here made to M. C. R. 2757, William H. Lewis, et al

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Have you any evidence or other testimony that you want to introduce at this time? A No, sir.
- Q Would you like time in which to furnish other proper testimony? A No, sir; not that I know of.
- Q You will have to have time if you want to file papers? A Yes, sir.

A reasonable time will be allowed this applicant in which to furnish other evidence if she desires.

This applicant has the appearance and physical characteristics of being descended from white parentage; light brown hair; blue eyes. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 25, 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.

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

*G. Rosenwinkel*  
*Notary Public.*

*Bmm  
Coll.*

DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes.

-----

In the matter of the application of Mary Ophelia Pope, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Mary Ophelia Pope, et al.,	M.C.R.	4843
Annie Findley, et al.,	"	3561
William H. Lewis, et al.,	"	2757
Daniel B. Lewis, et al.,	"	2758
Ida Lewis,	"	2256
Lewis B. Pope,	"	5193
Clara B. Sykes, et al.,	"	5192
Bertha A. Lewis,	"	5194

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

----

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Mary Ophelia Pope for herself and her four minor children, Francis M., Charlie, Sadie and Allie Pope; by Annie Findley for herself and her three minor children, Bernard, Don and Leger Findley; by William H. Lewis for himself and his two minor children, Minnie A., and Delbert H. Lewis; by Daniel B. Lewis for himself and his minor child Bertha May Lewis; by Ida Lewis for herself; by Lewis B. Pope for himself; by Clara B. Sykes for herself and her minor child, Herbert Ernest Sykes, and by Bertha A. Lewis for herself, under the following

provision of the act of Congress approved June 28, 1898(30 Stats. 495):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, by reason of being descendants of Rachel Lewis (nee Davis), who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty, and to have been the great-grand-mother of the principal applicant herein. The paternal grand-parents of the principal applicant are alleged to have been named John Lewis and Sarah (or Nancy) Lewis (nee Davis), but it is not positively stated which one of the two was the child of Rachel Lewis (nee Davis) and there is also a conflict in the testimony as to which one was possessed of Choctaw blood, part of the applicants claiming that John Lewis was a Choctaw and his wife a white woman, and others claiming the reverse. Both of them are alleged to have resided in Mississippi in eighteen hundred and thirty and to have been the parents of the principal applicant's father, who was born prior to that time.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe,



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

It is found that the name of one Rachel (or Rachael) Davis appears on pages 46, 47, 49, 50, 140 and 142 of Volume I of the Claimant's Brief and Evidence, in the case of the Choctaw Nation v. United States, before the Court of Claims No. 12742, and on pages 627 to 639 of Volume VII of American State Papers, Public Lands, in a schedule of Choctaw claimants under the fourteenth article of the treaty of eighteen hundred and thirty, for whom land was reserved by order of Colonel George W. Martin, Locating Agent, but there is nothing in said records or in the evidence submitted by the applicants herein tending to show that the Rachel Lewis (nee Davis) through whom these applicants claim, is the identical Rachel (or Rachael) Davis whose name appears in said records. The name of one John Lewis is found on page 74 of Volume VII of American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Washulatubbee's District in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek", and had lands in cultivation in exchange for which they were to receive stipulated tracts of lands in accordance with the provisions of the nineteenth article of said treaty. The record above referred to in no way relates to or shows any compliance or attempted compliance on the part of the persons therein named with the provisions of the fourteenth article of the treaty of "Dancing Rabbit Creek", neither is it shown by the evidence

offered by the several applicants herein that the John Lewis through whom they claim is the identical John Lewis whose name appears in the record above cited.

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 Rachel Lewis (nee Davis) or John Lewis, through whom these applicants claim, or Sarah (or Nancy) Davis (or Lewis) or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Ophelia Pope, Francis M. Pope, Charlie Pope, Sadie Pope, Allie Pope, Annie Findley, Bernard Findley, Don Findley, Leger Findley, William H. Lewis, Minnie A. Lewis, Delbert H. Lewis, Daniel B. Lewis, Bertha May Lewis, Ida Lewis, Lewis B. Pope, Clara B. Sykes, Herbert Ernest Sykes and Bertha A. Lewis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the



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

COMMISSION TO THE FIVE CIVILIZED TRIBES

SIGNED

*Tamc Dixby.*

Acting Chairman

SIGNED

*T. B. Needles.*

Commissioner

SIGNED

*C. R. Breckinridge.*

Commissioner

Muskogee, Indian Territory

DEC 17 1902

---

Muskogee, Indian Territory, December 17, 1902.

Mary Ophelia Pope,  
Fort Worth, Texas.

Dear Madam:

You are hereby advised that on the 17th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Ophelia Pope, et al., embracing the following applications for identification as Mississippi

Choctaws:

Mary Ophelia Pope, et al.,	M.C.R. 4843
Annie Pindley, et al.,	M.C.R. 3561
William H. Lewis, et al.,	M.C.R. 2757
Daniel B. Lewis, et al.,	M.C.R. 2758
Ida Lewis,	M.C.R. 2256
Lewis B. Pope,	M.C.R. 5193
Clara B. Sykes, et al.,	M.C.R. 5192
Bertha A. Lewis,	M.C.R. 5194

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

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

Said decision concludes as follows:

Mary Ophelia Pope-2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Ophelia Pope, Francis M. Pope, Charlie Pope, Sadie Pope, Allie Pope, Annie Findley, Bernard Findley, Don Findley, Leger Findley, William H. Lewis, Minnie A. Lewis, Delbert H. Lewis, Daniel B. Lewis, Bertha May Lewis, Ida Lewis, Lewis B. Pope, Clara B. Sykes, Herbert Ernest Sykes and Bertha A. Lewis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

CLARENCE

CLARENCE

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 17, 1902.

Mansfield, McMurray & Cornish

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

Gentlemen:

You are hereby advised that on the 17th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Ophelia Pope, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Ophelia Pope, et al.,	M.C.R. 4843
Annie Findley, et al.,	M.C.R. 3561
William H. Lewis, et al.,	M.C.R. 2757
Daniel B. Lewis, et al.,	M.C.R. 2758
Ida Lewis,	M.C.R. 2256
Lewis B. Pope,	M.C.R. 5193
Clara B. Sykes, et al.,	M.C.R. 5192
Bertha A. Lewis,	M.C.R. 5194

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Ophelia Pope, Francis M. Pope, Charlie Pope, Sadie Pope, Allie Pope, Annie Findley, Bernard Findley, Don Findley, Leger Findley, William H. Lewis, Minnie A. Lewis, Delbert H. Lewis, Daniel B. Lewis, Bertha May Lewis, Ida Lewis, Lewis B. Pope, Clara B. Sykes, Herbert Ernest Sykes and Bertha A. Lewis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications

M, MoM & C-2

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,

Acting Chairman.

Muskogee, Indian Territory, December 17, 1902.

F. A. Pierce,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on the 17th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Ophelia Pope, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Ophelia Pope, et al.,	M.C.R. 4843
Annie Findley, et al.,	M.C.R. 3561
William H. Lewis, et al.,	M.C.R. 2757
Daniel B. Lewis, et al.,	M.C.R. 2758
Ida Lewis,	M.C.R. 2256
Lewis B. Pope,	M.C.R. 5193
Clara B. Sykes, et al.,	M.C.R. 5192
Bertha A. Lewis,	M.C.R. 5194

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Ophelia Pope, Francis M. Pope, Charlie Pope, Sadie Pope, Allie Pope, Annie Findley, Bernard Findley, Don Findley, Leger Findley, William M. Lewis, Minnie A. Lewis, Delbert H. Lewis, Daniel B. Lewis, Bertha May Lewis, Ida Lewis, Lewis B. Pope, Clara B. Sykes, Herbert Ernest Sykes and Bertha A. Lewis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that 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,

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mary Ophelia Pope, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 17, 1902.

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

Mary Ophelia Pope, et al.,	M.C.R.4843;
Annie Fiddle, et al.,	M.C.R.3561;
William H. Lewis, et al.,	M.C.R.2757;
Daniel P. Lewis, et al.,	M.C.R.2758;
Ida Lewis,	M.C.R.2286;
John H. Pope,	M.C.R.5193;
Clara B. Pope, et al.,	M.C.R.5192;
Bertha A. Lewis,	M.C.R.5194.

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

Respectfully,

Through the  
Commissioner of Indian Affairs.

Enc.: M.C.R.4843.

Acting Chairman.



Muskogee, Indian Territory, January 3, 1903.

Mary O. Pope,  
713 W. Belknap street,  
Ft. Worth, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 26th ultimo, in which you state that you will prepare arguments and new affidavits to be submitted in your case. You ask that the time in which to submit additional evidence in your case be further extended fifteen days.

In reply to your letter you are informed that the fifteen days from December 17, 1902, heretofore granted you within which to file arguments in support of your claim, to be forwarded to the Secretary of the Interior, expired on January 1, 1903. On January 2, 1903, the record in your case was forwarded to the Secretary of the Interior. Pending action therein by him the Commission can not receive or consider further evidence.

You are further advised that fifteen days granted applicants in Mississippi Choctaw cases within which to file arguments in their cases are granted under specific instructions of the Secretary of the Interior, and cannot be extended.

Respectfully,

Acting Chairman.

Copy.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Land  
861-1903

WASHINGTON, March 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Mary Ophelia Pope for the identification of herself and her four minor children, Francis M., Charlie, Sallie and Allie Pope, the application of Annie Findley for the identification of herself and three minor children, Bernard, Don and Leger Findley, the application of William H. Lewis for the identification of himself and minor child Bertha May Lewis, the application of Ida Lewis for herself, of Lewis B. Pope for himself, of Clara B. Sykes for herself and minor child Herbert Ernest Sykes and of Bertha Lewis, all as Mississippi Choctaws.

On December 17, 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 with rights in the lands of the Choctaw Nation and that their applications for such identification should be refused.

An examination of the record evidence shows that the principal applicant, Mary Ophelia Pope claims to derive her Choctaw blood from her father, Daniel D. Lewis, and through him from her great-

grandmother, Rachel Davis, but said evidence does not show that the said Rachel Davis ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or received a patent for land thereunder.

In its <sup>said</sup> decision the commission recites that the name of one Rachel (or Rachael) Davis appears on pages 46, 47, 49, 50, 140 and 142 of Volume I of the claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, and on pages 627 to 639 of Volume VII of American State Papers, Public Lands, in a schedule of Choctaw claimants under the 14th article of the treaty of 1830, for whom land was reserved by order of Colonel George W. Martin, Locating Agent, but that there is nothing in said records or in the evidence submitted by the applicants tending to show that the Rachel Lewis (nee Davis) through whom these applicants claim, is the identical Rachel (or Rachael) Davis whose name appears in said records.

An examination of the records in this office fails in any way to substantiate the claims of these applicants. From the testimony submitted by Mrs. Pope her father was born about 1818 and was therefore about 12 years old at date of treaty, but she is apparently unable to show in any way by family history or otherwise any compliance or attempted compliance with said 14th article by any of her ancestors, although she was about 14 years old when her father died.

By reason of the premises the office considers the said decision of the commission correct and recommends that it be approved.

Very respectfully,

(Signed) A.C. Tonner  
Acting Commissioner

WCB  
C

J.W.H.

FHE

(COPY)

DEPARTMENT OF THE INTERIOR.

D.C.14432                      WASHINGTON.  
I.T.D. 2956-1903.

May 12, 1903.

L.R.S.

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

Gentlemen:

January 2, 1903, you transmitted the record in the consolidated case of Mary Ophelia Pope (M.C.R.4843), et al., applicants for identification as Mississippi Choctaws, including your decision of December 17, 1902, refusing to identify them as such.

These applicants claim descent from Daniel B. Lewis, who was a quarter blood Choctaw. It seems that he was born in 185 or 1818. The statements of the applicants are conflicting as to whether he ever lived in Mississippi. Daniel B. Lewis was the son of an one-half blood Choctaw named John Lewis. It seems that his wife's name was Sarah or Nancy, and that either he or his wife, as to which the testimony is uncertain, was the child of a full blood Choctaw named Rachel Davis.

From your decision it appears that there was a Rachel Davis who attempted to comply with the provisions of article 14 of the treaty of September 27, 1830.

It further appears from the records of the Indian Office that there was a person named Davis who received scrip under said article.

You rejected the applicants because the testimony furnished by them did now show that the ancestors from whom they claim descent were identical in person with the beneficiaries aforesaid of the same name.

Concurring in your recommendation, the Acting Commissioner of Indian Affairs in his report of March 14, 1903, recommended that your action be approved.

In accordance with the practice heretofore pursued in cases of this kind, it is deemed that a final adjudication should not be had in this case at the present time. It is therefore remanded to you for further investigation. In advising the applicants hereof it is desired that you follow the instructions, so far as they are applicable, contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins (M.C.R. 4964).

The record is returned herewith, together with a copy of the Acting Commissioner's letter.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

2 inclosures.

Muskogee, Indian Territory, May 22, 1903.

Mary Ophelia Pope,  
Fort Worth, Texas.

Dear Madam:

The Secretary of the Interior with his letter of May 12, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary Ophelia Pope, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

The record in this case shows that the applicants claim Choctaw descent from Rachel Davis, an alleged full blood Choctaw.

The Secretary of the Interior in his letter states:

"From your decision it appears that there was a Rachel Davis who attempted to comply with the provisions of article 14 of the treaty of September 27, 1830.

It further appears from the records of the Indian Office that there was a person named Davis who received scrip under said article.

You rejected the applicants because the testimony furnished by them did not show that the ancestors from whom they claim descent were identical in person with the beneficiaries aforesaid of the same name."

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

M O P 2

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

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

M O P 3

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, June 23, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep  
Registered



Muskogee, Indian Territory, May 22, 1903.

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

Gentlemen:

The Secretary of the Interior with his letter of May 12, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary Ophelia Pope, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, June 23, 1903, hear the testimony of such witnesses as may appear in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 22, 1903.

F. A. Pierce,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of May 12, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary Ophelia Pope, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

The record in this case shows that the applicants claim Choctaw descent from Rachel Davis, an alleged full blood Choctaw.

The Secretary of the Interior in his letter states:

"From your decision it appears that there was a Rachel Davis who attempted to comply with the provisions of article 14 of the treaty of September 27, 1830.

It further appears from the records of the Indian Office that there was a person named Davis who received scrip under said article.

You rejected the applicants because the testimony furnished by them did not show that the ancestors from whom they claim descent were identical in person with the beneficiaries ~~mentioned~~ of the same name."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830,

F A P 2

relative to the persons whose names appear thereon, showing:

1st. Their description.  
2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

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

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

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

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

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

F A P S

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, June 23, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep  
Registered

Muskogee, Indian Territory, October 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On January 2, 1903, the Commission transmitted to the Department the record in the consolidated Mississippi Choctaw case of Mary O. Pope, et al., together with its decision of December 17, 1902, refusing the applications of the several persons included therein for identification as Mississippi Choctaws.

With departmental letter of May 12, 1903 (I T D 2956-1903), the record in this case was remanded in order that the applicants might be granted further opportunity to introduce additional evidence.

In accordance therewith, the Commission, on May 22, 1903, notified the applicants and their attorney of record, F. A. Pierce, that they would be allowed up to and inclusive of Tuesday, June 23, 1903, to introduce additional evidence in support of the applications made by them for identification as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

No appearance having been entered by or on behalf of the applicants, and no additional testimony having been offered by

-2-

them, the original record in said case, together with copies of notices furnished the applicants, their attorney, and the attorneys for the Choctaw and Chickasaw Nations, is therefore herewith transmitted.

Respectfully,

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

McM 29

(COPY).

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Land.  
70,932-1,903.

WASHINGTON

Nov. 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have pleasure to invite your attention to a letter of the Commissioner to the Five Civilized Tribes, of the 29th ultimo, wherein it is stated that with departmental letter of May 17, 1903--I.F.D. 2904-- the record in the consolidated Mississippi Choctaw case of Mary G. Pope, et al., was examined in order that the applicants might be granted further opportunity to introduce evidence. In accordance therewith the commission on May 22, 1903, notified the applicants and their attorney of record F.A.Pierce, that they would be allowed up to and inclusive of Tuesday, June 23, 1903, to introduce additional evidence in support of their application made by them for identification as Mississippi Choctaws, and on the same date, notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations. No appearance having been entered by or on behalf of the applicants up to and inclusive of October 29, 1903, and no additional testimony having been offered by them, the original record in the case, together with a copy of the notices furnished the applicants, their attorney and the attorneys for the Choctaw and

Chickasaw Nations, is transmitted by the commission.

In the original evidence given in this case it appears that the parties base their right to identification as Mississippi Choctaws on their descent through John Lewis and Daniel S. Lewis, his son, and Daniel Davis, all of whom are alleged to have been members of the Choctaw tribe of Indians, in Mississippi,<sup>n</sup> 1830. The witnesses testifying were unable to say that their ancestors, or any of them, complied with the provisions of the 14th article of the Choctaw treaty of 1830, and as to the location of the residence of these ancestors in Mississippi at that time they were unable to state definitely. The case was returned to the commission because of the fact that there was a person of the name of Davis (no surname) who was a beneficiary under the provisions of the 14th article.

The original record in this case was not sufficient to convince the office that the applicants were entitled to identification as Mississippi Choctaws. Having been accorded a further opportunity to be heard, and having failed to appear or show cause why the conditions imposed by the commission could not be complied with, it is my judgment that the Department has discharged its duty in the case, and I now recommend that the decision of the commission rejecting the applicants be approved.

Very respectfully,

W.A. Jones,

(E.B.H.)P.

Commissioner.



(COPY).

J.W.H.  
F.V.E.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, November 25, 1903.

P.C. 33014.  
I.T.T. 8216-1903.  
D.R.S.

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

Gentlemen:-

October 29, 1903, you resubmitted the consolidated case involving the applications for identification as Mississippi Choctaws of Mary Ophelia Pope, Francis . Pope, Charlie Pope, Sadie Pope, Allie Pope, Annie Windley, Bernard Findley, Don Findley, Leger Findley, William F. Lewis, Minnie A. Lewis, Delbert H. Lewis, Daniel B. Lewis, Bertha May Lewis, Ida Lewis, Lewis B. Pope, Clara B. Sykes, and Herbert Ernest Sykes, Bertha A. Lewis. December 17, 1902, you refused to identify the applicants as such.

With departmental letter of May 12, 1903, the case was remanded to you for further investigation.

These applicants claim descent from Daniel B. Lewis, who was a quarter blood Choctaw. He was born in 1815 or 1816, and was the son of an one-half blood Choctaw named John Lewis. The wife of the latter was named Sarah, or Nancy. Either John Lewis or his wife, as to which the testimony is uncertain, was the child of a full blood Choctaw named Rachel Davis.

Inasmuch as the records of the Government show that there was a Rachel Davis who attempted to comply with the provisions of article 14 of the treaty of 1830, and a person named Davis who received scrip under said article, the case was remanded to you for the purpose stated above.

You report that you notified the applicants in accordance with departmental instructions, that a further opportunity would be afforded them to introduce additional testimony in support of their claims, or that they failed to appear, in person or by attorney, or to present any additional testimony in support of their application.

Reporting in the matter November 16, 1903, the Commissioner of Indian Affairs submitted your report and recommended that your action respecting the applicants be approved. A copy of his letter is inclosed.

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

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 4043.

BY.

Muskogee, Indian Territory, December 5, 1903.

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

Gentlemen:

You are hereby notified that on the 26th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Ophelia Pope et al., of which decision you were advised by mail on the 17th day of December, 1902.

Respectfully,

(SIGNED)

*Tams Dixby.*  
Chairman.

P.C.R. 4843.

COPY.

Muskogee, Indian Territory, December 5, 1902.

F. A. Pierce,  
Attorney-at-Law,  
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that on the 26th 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 Mary Ophelia Pope et al., of which decision you were advised by registered mail on the 17th day of December, 1902.

Respectfully,

*Thomas D. Clark*  
Chairman.

M.O.R. 4843.

Muskogee, Indian Territory, December 5, 1903.

Mary O. Pope,  
713 W. Belknap St.  
Fort Worth, Texas.

Dear Madam:

You are hereby notified that on the 26th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Ophelia Pope et al., of which decision you were advised by registered mail on the 17th day of December, 1902.

Respectfully,

*James P. Davis*  
Chairman.

ATION.

CH  
(NOT INCL

TRIBAL ENROLLMENT OF PARENT;

FATHER

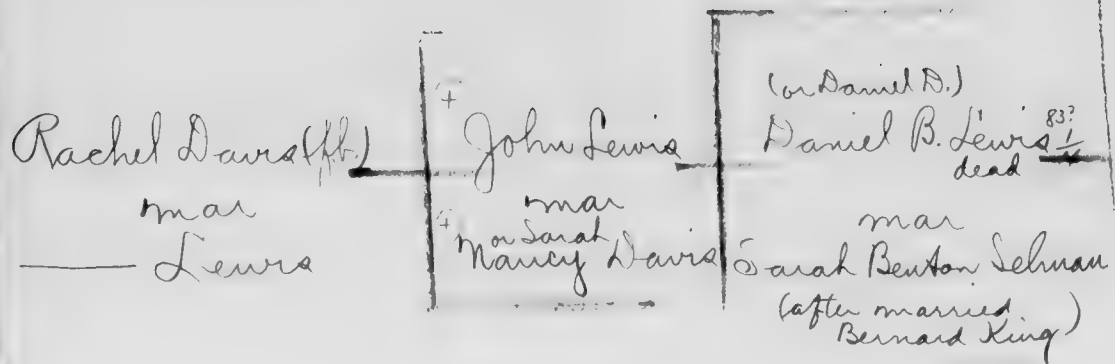
YEAR

DISTRICT

NAME OF MO

Consolidated Case  
of  
Mary O. Pope et al.

REFER TO M. C. R



(+) Conflict in testimony as to Choctaw ancestry of Daniel B. Lewis. Ap. 4843 differs from the rest who claim by affidavits & some testify that John Lewis was white & that their grand-uncle Nancy Davis had the Choctaw blood.

mer  
4843  
Mary Ophelia Lewis 45-  
mar  
Francis Marion Pope  
-w-

mer  
4843  
Francis M. Pope 19  
" Charlie " 11  
" Sadie " 10  
" Allie " 7

mer  
5191  
Lewis Pope 23-  
1/16

mer  
5192  
Clara B. Pope 22-  
1/16  
Walter Sykes  
mar  
W. L. Sykes  
w  
Herbert E. Sykes 6 m

mer  
5193  
Bertha A. Pope 20-  
1/16  
mar  
G. H. Lewis  
-w-

Annie Lewis 38-  
mar  
David S. Findley  
dead  
Bernard Findley 14  
Don " 10  
Leger " 8

Cont'd

mar 2757

William H. Lewis 35- $\frac{1}{8}$

mar 2757

Minnie A. Lewis 9

mar

Minnie A. Germany

Delbert H. " 6

Rachel Davis ft.

mar

Lewis

John Lewis

mar

or Sarah  
Nancy Davis

(or Daniel D.)

Daniel B. Lewis <sup>(1832)</sup>  $\frac{1}{4}$   
dead

mar

Sarah Benton Selman

mar 2758

Daniel B. Lewis 33- $\frac{1}{8}$

mar

Sarah M. McCarty

mar 2758

Bertha May Lewis 16m

mar 2756

Ida Lewis 26- $\frac{1}{8}$



No. 4843

For Identification as a Mississippi Choctaw.

Date

1952

Name *Mary O. Pope*

Age *45* — Blood *1/8*

Post Office, *Fort Worth, Texas,*

Father: *Waniel D. Lewis, d.*

Mother: *Sarah King — b.*

Claims through *father —*  
*Husband,*

*Francis M. Pope, d w.*

Children:

*Francis M. Pope, M. 19*

*Charlie " " 12*

*Judie " F 10*

*Allie " F 7*

*Claims for self and children.*

Stenographer *G. Rosenwinkel*

Choctaw MCR 4844

Willis Tuf-fa-mah

MCR 4844

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

-----oOo-----

In the matter of the application of Willis Tuf-fa-mah,  
et al., for identification as Mississippi  
Choctaws, M C R -- 4844.

---

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

----oOo----

In the matter of the application of Willis Tuf-fa-mah,  
et al., for identification as Mississippi Choctaws, M C R 4844.

--oOo--

----: I N D E X :----

--oOo--

	Page
Original application of Willis Tuf-fa-mah, et al., for identification as Mississippi Choctaws,-----	1
Decision of the Commission identifying the above applicants,-----	8

---

4811  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Franks, Mississippi, February 21, 1902.

In the matter of the application of Willis Tuf-fa-mah, for the identification of himself, his wife, Lucy and one minor step-child, Exa, as Mississippi Choctaws.

Willia Tuffamah, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Willis Tuf-fa-mah.  
Q How old are you? A Sixty.  
Q How much Choctaw blood have you? A Full blood; no white about him.  
Q What's your post office address? A Franks, Mississippi.  
Q How long have you lived in Neshoba County? A I was born in Neshoba.  
Q Lived here all your life? A Lived about four years in Leake County and moved back to Neshoba.  
Q Have you ever been in Indian Territory? A No, never have.  
Q Is your father living? A No.  
Q What was your father's name? A John.  
Q Did he have any other name? A Yes, On-ta-mah-chubbee.  
Q How long has your father been dead? A Never see my father die.  
Q Well, about how long has he been dead? A About twelve years old.  
Q How old aman was he when he died? A About sixty.  
Q Wasn't he older when he died than you are now? A Yes, about seventy, I reckon.  
Q Where was he born? A I don't know.  
Q Did he ever live in Indian Territory? A No.  
Q Where did he live all his life? A Neshoba County.  
Q You think he lived in Neshoba County all his life, do you?  
A Yes.  
Q Do you know the name of his father? A No.  
Q Or his mother? A No, don't know.  
Q Was your father a full blood Choctaw Indian? A Yes, full blood.  
Q Is your mother living? A No, she's dead.  
Q What was her name? A nancy.  
Q Did she have a Choctaw name too? A Yes, .  
Q What was it? A Po-ki.  
Q Is that all the Choctaw name she had? A Yes, that's all.  
Q How long has your mother been dead? A About ten years.  
Q Was she older than your father was when she died? A No.  
Q About the same age? A Yes, pretty near just about the same age.  
Q Did she live in Neshoba County all her life? A Yes.  
Q Never lived in Indian Territory? A No.  
Q Was she a full blood Choctaw too? A Yes, ull blood Choctaw two.  
Q Do you know her father or her mother? A Yes.  
Q Which one? A Yes, Tuffamah.  
Q Her father's name was Tuffamah? A Yes.

Willis Tuf-fa-mah, et al., 2.

- Q Is that all the name he had? A Yes, that's all the name I know.
- Q How long has he been dead? A He been dead about forty years.
- Q Do you remember about how old he was when he died? A No.
- Q Did he ever live in Indian Territory? A No.
- Q Did he live here in Neshoab County all his life? A I don't know how many years he lived in Kemper County.
- Q You don't know how long he lived over there? A No, sir.
- Q Was he a full blood Choctaw? A Yes, full blood Choctaw; no white and no nigger about him.
- Q Do you know the name of Po-ki's mother? A No, don't know.
- Q So far as you know, all of your people have been full blood Choctaws? A Yes, sir.
- Q No mixed breeds among them? A No.
- Q And they have all always lived here in Mississippi? A Yes.
- Q Did you ever hear of any one of your people ever having lived in Indian Territory? A Yes,.
- Q Some of them lived out there - your kin folks? A Yes, some went to Arkansas.
- Q When? A Long time ago.
- Q Who went out there? A I don't know, my daddy's brother he went.
- Q You don't know what his name was? A No.
- Q Is that all? A Yes, that's all.
- Q You are married, are you not? A Yes.
- Q Your wife living? A Yes.
- Q Are you living with her now? A Yes, sir.
- Q Have you been married more than once? A Yes, I been three times.
- Q Your first two wives dead, are they? A Yes.
- Q Has your present wife been married more than once? A Yes, sir.
- Q How many times? A Just one time.
- Q What was his name? A Amos Tuf-fa-mah.
- Q What's your wife's name? A Lucy.
- Q Were you married to Lucy under a license or according to the Choctaw custom? A Choctaw custom.
- Q How much Choctaw blood has Lucy? A Full blood.
- Q You want to give in her name too, do you? A Yes.
- Q About how old is she? A About forty.
- Q Has she lived in the State of Mississippi all her life? A Yes, sir.
- Q Lived in Neshoba County all the time? A All the time.
- Q Is her father living? A No, he's dead long time; I don't know how many years.
- Q What was his name? A Sam.
- Q Have any other name? A Tish-o-cubbee.
- Q Did you ever see him? A Yes.
- Q Was he a full blood Choctaw? A Yes, full blood Choctaw.
- Q Lived in this County all his life? A Yes, sir.
- Q Was he older than you? A Yes, heap older than me; I don't know how much.
- Q Twenty years you think? A Yes, about twenty years.
- Q Do you know the name of his father or his mother? A Yes, know his father, but don't know mother.
- Q What was his father's name? A Tish-o-cubbee.
- Q Did you ever hear of Sam ever having lived in Indian Territory? A No.
- Q Did his father, Tish-o-cubbee, ever live in Indian Territory? A No.
- Q Lived here in Mississippi all his life? A Yes, all life.

Willis Tuf-fa-mah, et al., 3.

- Q Was Tish-o-cubbee, a full blood Choctaw? A Yes.
- Q Is your wife's mother living? A No, she's dead.
- Q What was her name? A Casey, I believe.
- Q Did she have a Choctaw name? A I don't know any Choctaw name.
- Q Did you know her? A Yes, sir, I knowed her.
- Q Older than you or younger? A Older than me.
- Q Good deal older, or just a little? A About fifteen years oldeer.
- Q Did she live here in this State all her life? A Yes.
- Q In Neshoba County too? A Yes.
- Q Do you know the name of her father or mother? A No, I don't know.
- Q You don't know the name of any one of her ancestors, or old folks? A No.
- Q Have you any children living under twenty one years of age and unmarried? A Yes, one.
- Q What's that child's name? A Exa.
- Q How old is Exa? A Eleven years old.
- Q Girl, is it? A Yes.
- Q Is Exa the child of yourself and Lucy? A Yes.
- Q She is a full blood Choctaw? A Yes.
- Q Lives with you at this time does she? A Yes.
- Q Is that all your children unmarried and under age? A Yes, that's all.
- Q This application, then, is for yourself, your wife, and one minor child, is that right? A Yes, sir.
- Q Is your name, or your wife's name, or the name of this child, on any of the Choctaw tribal rolls in Indian Territory? A No.
- Q Has any application of any description ever been made before today for yourself, or your wife, or this child, for the purpose of establishing your rights as Choctaw Indians? A Made application at Philadelphia, about three years ago.

The records of the Commission show that on the 30th day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for this applicant, his wife, Lucy, and minor children, Becky, Pucky and Exa, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 171; also, upon page 57 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory, under the 14th article of the treaty of Dancing Rabbit Creek, being Numbers 687, 588, 589, 590 and 591, respectively, thereon.

- Q At the time you gave in your name three years ago at Philadelphia, you gave in the name of a daughter Bescky, did you not? A Yes, Becky and Pucky, but all with me then, Becky married now and Pucky too.
- Q Who is Becky married to? A Will Tubbee.
- Q Who is Pucky married to? A Ed Willis.
- Q Well, now, are you the father of this child, Exa? A No, I am step father.
- Q What was the name of this child Exa's father? A Amos.
- Q Any kin to you? A Yes, my half brother.
- Q Have same father, you and Amos? A Yes.

Willis Tuf-fa-mah, et al., 3.

- Q And different mothers? A Yes,  
Q Did he go by the name of Amos Tuf-fa-mah? A Yes.  
Q Is he living? A No.  
Q Was he a full blood Choctaw? A Yes.  
Q What was the name of Amos' mother? A Po-ki.  
Q Po-ki was your mother too? A Yes, I mistaken myself; one mother and two daddies; that's where I mistake.  
Q Po-ki, or Nancy, was the mother of both you and Amos? A Yes.  
Q What was the name of Amos' father? A Lewis.  
Q Lewis what? A I don't know.  
Q Was he a full blood Choctaw? A Yes.  
Q You have seen him have you? A Yes.  
Q You don't remember what his other name was? A No, Lewis, is all I know.  
Q Did he have a Choctaw name? A Yes.  
Q What was it? A I forgot it now. I did know.  
Q Well, now, Becky and Pucky are Amos' children, are they not?  
A Yes.  
Q Now, is this application, you made three years ago to the Commission at Philadelphia, Mississippi, for yourself your wife and these children, the only application of any kind that has ever been made for any of you? A Yes, that's all.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and wife and minor step-child under the 14th article of the treaty of Dancing Rabbit Creek? A Yes.  
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, I don't understand it; I have heard of it, but I don't understand it.

This treaty of Dancing Rabbit Creek was made here in Mississippi on the 27th day of September, 1830, ten or twelve years before you were born, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she



Willis Tuf-fa-mah, et al., 4.

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

- Q Do you think you understand that 14th article now? A Yes.
- Q Did any of your ancestors, or any of your wife's ancestors, or any of the ancestors of Amos ever comply or attempt to comply with the provisions of this 14th article, or ever receive any benefits under that article? A If they did, I don't know it.
- Q Did any of them own an improvement here seventy one years ago, when this treaty was made? A I don't know.
- Q Did any of them live here at that time? A I don't know.
- Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A I don't know.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Did you ever hear of any of them ever having gotten any land in Mississippi from the Government? A No.
- Q Or any money? A Wasn't none of them got any land, and no money that I know of. My grand father didn't get any money and no land.
- Q

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government, the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of

Willis Tuf-fa-mah, et al., 5.

the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi, and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and they heard a great many of these Choctaw cases.

Q Did any of your ancestors, or any of your present wife's ancestors, or any of the ancestors of Amos Tuf-fa-mah, ever appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know if they did.

An Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect.

Q Did any of your ancestors, any of the ancestors of Amos, or any of your present wife's ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir

Q Do you know of any old person living who would likely know whether any of your ancestors, or any of the ancestors of your wife, or any of the ancestors of Amos, ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, don't know of any one.

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

Q Did you ever see, or hear of, any deed of patent, issued to any of your ancestors, or any of your wife's ancestors, or any of the ancestors of Amos, covering land here in Mississippi, received from the Government? A No, just heard said that my wife's ancestors got some land somewhere's and got this patent, but never seen, but heard that they did.

Q What one of your wife's ancestors got some land here from the Government? A I don't know what one it was.

Q Did you ever see the deed to it? A N .

Q Do you know where that deed or patent is now? A No, maybe there at Philadelphia, or somewhere.

Q Who do you think has it there? A I don't know, just heard.

Willis Tuf-fa-mah, et al., 6.

- Q You just headd that some of your wife's ancestors away back got land from the Government here in Mississippi, did you? A Yes.  
Q You don't know where the land is? A No.  
Q And never saw the deed or patent, and don't know where it is?  
A No.  
Q And don't know what one of those ancestors got the land? A No.  
Q Have you any witnesses here to-day? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us at any one of our appointments here in Mississippi spring, at Meridian, Mississippi, between April 14th and May 1st, or within a reasonable time thereafter at the general office of the commission in Muskogee, Indian Territory and their testimony will be taken.

- Q Are there any further statements you want to make? A No.  
Q Have you any children living who are of age? A No, aint got no children at all.  
Q Did you ever have any children? A No.  
Q How many of your wife's children are living? A Three.  
Q Becky Tubbee and Pusky Willis and Exa Tuf-fa-mah, for whom you make application now? A Yes.  
Q Amos went by the name of Tuf-fa-mah, did he? A Yes.  
Q Have you any brothers or sisters living? A I don't know, I aint seen them in long time; they moved off and got away from me.  
Q Do you know where they moved to? A Out towards Yazoo River.  
Q And you have never heard of them since? A No.  
Q Do you know what county they went to? A No.  
Q What are their names? A Mary.  
Q What was the other one's name? A Emily.  
Q What were their other names? A Emily Peter and Mary I-sh-ho-nubbee  
Q Did you ever have any other sisters? A No.  
Q Ever have any brothers? A No.  
Q Has your wife any brothers or sisters living? A No.  
Q Did she ever have any brothers or sisters? A Yes, but all died.  
Q Did any of them leave children? A Yes.  
Q How many of her brothers or sisters left children? A One sister left three children.  
Q What was her sisters name? A I don't know.  
Q Where those children living now? A Yes.  
Q What are their names? A I don't know.  
Q Where do they live? A North Bend.  
Q You don't know anything about them? A No.  
Q Has Amos any full brothers or sisters living? A No.  
Q Has he any half brothers or sisters besides you? A No.

(This applicant has the appearance of being a full blood Indian. He speaks and understands the Choctaw language, and some English, the examination having been conducted mostly through a sworn Choctaw interpreter.)

Willis Tuf-fa-mah, et al., 7.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 21st day of February, at Franks, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Seale, Mississippi, this 17th day of March, 1902.

*L. B. Mosley*

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

By

*[Signature]*

Deputy.

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

-----cOo-----

In the matter of the application of Willis Tuf-fa-mah, et al., for identification as Mississippi Choctaws, M C R 4844.

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

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on February 21, 1902, by Willis Tuf-fa-mah, for himself, his wife, Lucy Tuf-fa-mah, and his minor child, ~~Exa~~ Tuf-fa-mah, 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 applicants are full-blood Mississippi Choctaw Indians.

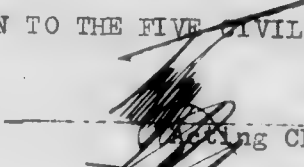
Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:


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

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

It is, therefore, the opinion of this Commission that Willis Tuf-fa-mah, Lucy Tuf-fa-mah, and Exa Tuf-fa-mah should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

SEP 14 1900

COPY.

M.C.R. 4844.

Muskogee, Indian Territory, February 21, 1903.

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Willis Tuf-fa-mah, his wife Lucy Tuf-fa-mah, and minor step-daughter Eva Tuf-fa-mah, as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32Stats., 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 Willis Tuf-fa-mah, his wife and child, as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

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

Respectfully,

Registered.

Enc. M.C.R. 4844.

*James Kirby*  
Acting Chairman.

COPY.

M.C.R. 4844

Muskogee, Indian Territory, March 11, 1903.

Willie Tuf-fa-mah,  
Franks, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Lucy Tuf-fa-mah, and your minor step-daughter, Eza Tuf-fa-mah, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats., 641).

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

Respectfully,

James D. Doby.

Chairman.

Registered.

No. 4844.



#1804

No. 4844

For Identification as a Mississippi Choctaw.

Franks Miss.  
Date FEB 21 1902

Name Willis Tuf-fa-mah.

Age 60 Blood Full

Post Office, Franks, Miss.

Father: On-tā-mah Chubbee d

Mother: Nancy Po-Ki d

(claims through both parents.)

Wife: - Lucy Tuf-fa-mah (full) 40

Father - Sam Tish-o-cubbe. d

Mother - Casey - " d

Children:

Children:

Eva Tuf-fa-mah- (F) 11  
Father Amos Tuffamah (full) d

Stenographer

R. A. Streit.

William Thompson

Choctaw MCR 4845

Anderson Ivey

See MCR 5037

MCR 4845

4845

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Franks, Mississippi, February 21, 1902.

In the matter of the application of Anderson Ivey for identification as a Mississippi Choctaw.

Anderson Ivey, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Anderson Ivey.  
Q How old are you? A Twenty three.  
Q How much Choctaw blood have you? A My father was full blood Choctaw and my mother was half white.  
Q What's your post office address? A Fish, Mississippi, Neshoba County.  
Q How long have you lived in Neshoba County? A Five years.  
Q Where did you live before that? A Leake County.  
Q How long did you live in Leake County? A That's where I was born and raised.  
Q Is your father living? A No.  
Q What was his name? A John Ivey.  
Q Did you ever see him? A No, sir.  
Q Is your mother living? A Yes.  
Q What's her name? A Klisa Tubbee.  
Q About how old is your mother? A About forty.  
Q Where does she live at this time? A Up near Fish, in this County.  
Q Has she lived in the State of Mississippi all her life? A Yes, I reckon so.  
Q Did your father live in this State all his life? A I don't know.  
Q Do you know the name of his father or his mother? A Don't know.  
Q Did your mother ever have any other children by this man, John Ivey, besides you? A Yes.  
Q How many? A Four more besides me.  
Q Were they married under a license or according to the Choctaw custom? A Choctaw custom.  
Q Are you married? A No.  
Q This application, then, is for yourself only? A Yes.  
Q Is your mother's father living? A I don't know.  
Q Did you ever see him? A No.  
Q Does your mother speak the Choctaw language? A Yes.  
Q English? A Not much, little English.  
Q Is your mother's mother living? A Yes.  
Q What's her name? A Sophia.  
Q Has she any other name besides Sophia? A I don't know her other name.  
Q Where does she live? A Close to Fish.  
Q Is she a full blood Choctaw? A Yes, her mother was a full blood Choctaw.

Anderson Ivey, 2.

Q Has she lived in this State all her life? A Yes.

Q How old is she? A I don't know her age.

Q Do you know the name of her father or her mother? A Don't know either one of them.

Q Do you know her Choctaw name? A No.

Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No.

Q Has any application of any description ever been made for you before to-day, for the purpose of establishing your rights as a Choctaw Indian? 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 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

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

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six 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 land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

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

Anderson Ivey, 2

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A I don't know.

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

Q Did any of them, in fact, live here at that time? A I don't know that.

Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was made, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

Q Any of them ever get any land here in Mississippi from the Government under any other provision in that treaty than the 14th article? A I don't know.

Q Did any of them ever get any money from the Government? A I don't know.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government of the United States at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1833 and 1845, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here between the years 1837 and 1845, and heard a great many of these Choctaw cases.

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

Anderson Ivey, 4.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with 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 in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates are called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A I don't know.

Q Do you know of any old person who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know of any.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors covering land here in Mississippi received from the Government? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A No.

If you should find any witnesses whose testimony you desire to have taken in support of your application, they may appear before us any one of our appointments here in Mississippi, this spring, or at Meridian, Mississippi, between the 14th of April and the 1st of May, or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

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

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

Q Has any application of any description ever been made for her for the purpose of establishing her rights as a Choctaw Indian? A No, sir.

Q Is the same true as to her mother, Sophia? A Yes.

Q Have you any brothers and sisters living? A yes, sir.

Q How many? A Mike Ivey.

Q Is he married? A yes.

Q What's his wife's name? A Lisby.

Q What's the name of the next one of your brothers or sisters?

A Bob, who is here at this time.

Q Next one? A Clint.

Q Is he of age? A No, sir.

Q What's his father's name? A Same father, John Ivey.

Q Next one? A Callie.

Q How old? A About fifteen.

Q What's her father's name? A John Ivey.

Anderson Ivey, 5.

- Q Next brother or sister? A Pat, half brother.  
Q What's the name of Pat's father? A Wade Tubbee.  
Q Next one? A Leafis.  
Q Girl or boy? A Boy.  
Q What's the name of that child's father? A Wade Tubbee.  
Q Next one? A Sidney Tubbee.  
Q Next one? A That's all.  
Q Have you any brothers or sisters dead who left children? A No, sir.  
Q Any half brothers or half sisters dead? A No.  
Q Are any of your mother's brothers or sisters living? A No.  
Q Has she any brothers or sisters dead who left children? A No.  
Q Your mother and grand mother know of the Commission being here within three miles of their residence do they not? A Yes, sir.  
Q Have you heard them say whether they intend to come before the Commission or not? A Just don't want to come.  
Q That is what they said, is it? A Yes, that's what they said.  
Q Said they just wouldn't come before the Commission. Is the same true as to your brother Mike? A Yes.  
Q And his family? A Yes.  
Q No application has ever been made for any of these people? A No, no application made.

(This applicant claims to be a three-quarters blood Choctaw, but would easily pass for a full blood. He speaks and understands the Choctaw language, but very little English.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Franks, Mississippi, on the 21st day of February 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Seale, Mississippi, this 17th day of March, 1902.

*L. B. ...*  
Clerk U. S. Circuit Court,  
Southern District of Mississippi,

By *M. ...*

Deputy.



M.C.R. 4845

Muskogee, Indian Territory, September 16, 1904.

Anderson Ivey,  
Fish, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing your application for identification as a Mississippi Choctaw.

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

Respectfully,

(Signed)

*James C. ...*  
Chairman.

Registered.

M.C.R. 4845.

COPY.

Muskogee, Indian Territory, February 10, 1905.

Anderson Ivey,  
Fish, Mississippi.

Dear Sir:

You are hereby notified that on the 31st day of January 1905, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw included in the consolidated case of Scott Bell, et al., of which decision you were advised by registered mail on the 16th day of September 1904.

Respectfully,

(SIGNED)

*James D. ...*  
Chairman.

#, 942

No.

4815

For Identification as a Mississippi Choctaw.

Grants Miss.

FF 101 1892

Date

Name

Anderson Ivey

Age

23

Blood

~~White~~ 3/4

Post Office,

Fish, Miss.

Father:

John Ivey (full) d

Mother:

Eliza Tubbee (1/2) L

Claims through

both parents.

Claims ...

Children:

mother's mother Sophia

f. b. L.

Stenographer

R. S. Street.

Choctaw MCR 4846

Sophia Sam

MCR 4846

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

-oOo-

In the matter of the application for the identification of  
Sophia Sam, as a Mississippi Choctaw.

-oOo-

Herein is the record in the matter of the application for  
the identification of Sophia Sam, as a Mississippi Choctaw  
M.C.R. 4846.

-oOo-

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

-cOo-

In the matter of the application for the identification of  
Sophia Sam, as a Mississippi Choctaw, W.C.R. 4846.

--: I N D E X :--

	(Page)
Original application for the identification of Sophia Sam as a Mississippi Choctaw-----	1
Decision of the Commission identifying Sophia Sam as a Mississippi Choctaw-----	3

-oOo-

4546  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Frank, Mississippi, February 21, 1902.

In the matter of the application of Sophia Sam for identification as a Mississippi Choctaw, represented by her grand son, Anderson Ivey.

Anderson Ivey, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Anderson Ivey.  
Q What's your post office address? A Fish, Mississippi.  
Q What's your age? A Twenty three .  
Q Are you acquainted with Sophia Sam? A Yes, she is my grand mother-my mother's mother.  
Q About how old is she? A She is about seventy.  
Q Is she a full blood Choctaw? A Yes.  
Q What is her post office address? A Fish.  
Q Has she lived here in Neshoba County, all her life? A I reckon so.  
Q Is her father living? A No.  
Q Do you know what his name was? A No.  
Q Is Sophia's mother living? A No.  
Q Do you know what her name was? A I don't know.  
Q You don't know the name of any one of Sophia's ancestors then?  
A No.  
Q Is Sophia married? A No.  
Q Has she been married since you knew her? A No.  
Q Has she any children who are under age or unmarried? A No.  
Q When did you see Sophia last? A This morning.  
Q Did you talk to her at that time about coming down before the Commission? A Yes.  
Q What did she say to you about it? A Said she just wouldn't come.  
Q Refused to come, did she? A Yes.  
Q She was notified during the early part of January that the Commission was here near Edinburg, wasn't she? A Yes, sir.  
Q She refused to come then, too, didn't she? A Yes.  
Q Has any application of any kind ever been made for Sophia for the purpose of establishing her rights as a Choctaw Indian? A No.  
Q You have just made application in your own behalf for identification as a Mississippi Choctaw, have you not? A Yes.  
Q Did you, in your examination, tell the names of all of your ancestors whose names are known to you? A Yes.  
Q You were examined fully as to whether any of your ancestors ever received any benefits under the 14th article of the treaty of Dancing Rabbit Creek, and stated that none of them had ever so received any benefits to your knowledge, did you not? A Yes.

(Special reference is here made to the application of Anderson Ivey for identification as a Mississippi Choctaw,

Sophia Sam, 2.

made at Franks, Mississippi, on this day. His grand mother, Sophia, in whose behalf this application is made, has been notified on different occasions of the presence of the Commission in this vicinity, but has always refused to make any application of any description. From the best information obtainable, there can be no doubt that she is a full blood Choctaw Indian, between the age of seventy and seventy five years, and that she has always lived here in the State of Mississippi, in Leake and Neshoba Counties.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 21st day of February, 1902, at Franks, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Seale, Mississippi, this 18th day of March, 1902.

*L. B. Mosley*  
Clerk U. S. Circuit Court,  
Southern District of Mississippi.

By

*[Signature]*

Deputy.



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

-oOo-

In the matter of the application for the identification of  
Sophia Sam, as a Mississippi Choctaw, M.C.R. 4846.

---: 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  
on February 21, 1902, by Oscar Billey for Sophia Sam, under the  
following provision of the act of Congress approved June 28, 1898  
(30 Stats., 495):

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

From the evidence submitted in support of said application  
it appears that the applicant herein 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,

(2)

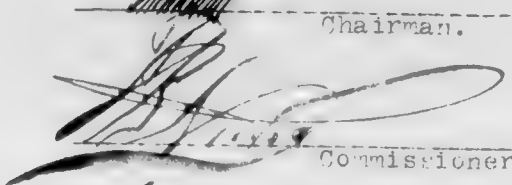
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

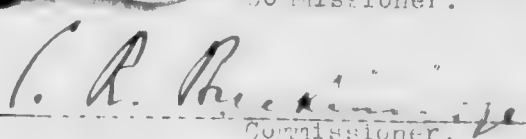
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this Agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendant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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
-----  
Chairman.

  
-----  
Commissioner.

  
-----  
Commissioner.

-----  
Commissioner.

Muskogee, Indian Territory,  
  
-----

MERIDIAN, MISSISSIPPI, October 6, 1903.

Corbin Sam,

Fish, Mississippi.

Dear Madam:-

It appears from the records of the Commission that on February 21, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 A. M. and 6 P. M.

Very respectfully,

Special Agent.

No. 121 M C R 4846

Meridian, Mississippi, November 30, 1903.

Sophia Sam,

Fish, Mississippi.

Dear Madam-

Under date of October 6, 1903, the following letter was written to you:

It appears from the records of the Commission that on February 21, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim, it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

File 121

Special Agent.

M. J. N. 4846

Luskogee, Indian Territory, May 5, 1904.

Sophia Sam,

Fish, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 5, 1904, identifying you as a Mississippi Choctaw Indian, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Registered.  
Enc.: MCR-4846.

Chairman.

Muskogee, Indian Territory, May 5, 1904.

Anderson Ivoy,

Fish, Mississippi.

Dear Sir:

You are hereby notified that on the 4th day of May, 1904, the Commissioner to the Five Civilized Tribes rendered a decision identifying your grand-mother, Sophia Sam, as a Mississippi Choctaw Indian, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 641).

Under the provisions of the law above cited, the applicant, in order to avail herself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Chairman.

M.C.R.4846

COPY

Muskogee, Indian Territory, May 5, 1904.

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered May 5, 1904, identifying Sophia Sam as a Mississippi Choctaw Indian, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 641).

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

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

Respectfully,

Yours

Registered.  
No.: MCR-4846.

Chairman.

#184

No. 4816

For Identification as a Mississippi Choctaw.

Grants, Miss. FEB 21 1902

Date

Name Sophia Sam.  
represented by her grandsons.

Age 70 Blood full

Post Office, Fish, Miss.

Father: don't know d

Mother: " " d

Claims through both parents.

Children:

Stenographer

R. J. Street



Choctaw MCR 4847

Eliza Tubber

See MCR 4848, 4845, 2173  
5037

MCR 4847

45-11

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Franks, Mississippi, February 21, 1902.

In the matter of the application of Eliza Tubbee for the identification of herself and five minor children, Clint and Callie Ivey, and Pat, Leafis and Sidney Tubbee, as Mississippi Choctaws, represented by her son, Anderson Ivey.

Anderson Ivey, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Anderson Ivey.  
Q What's your post office address? A Fish, Mississippi.  
Q What's your age? A Twenty three.  
Q You are acquainted with Eliza Tubbee, are you not? A Yes.  
Q What kin is she to you? A My mother.  
Q About how old is she? A About forty.  
Q Where does she live at this time? A Near Fish, in Neashoba County; I live with her.  
Q Well, how much Choctaw blood has she? A One-half.  
Q Does she speak the Choctaw language? A Yes.  
Q And English too? A Very little English.  
Q What's her post office address? A Fish, Mississippi.  
Q Has she lived in this State all her life? A I don't know.  
Q Did you ever hear of her living any place else? A No.  
Q Is her father living? A I don't know.  
Q Do you know what his name was? A I don't know.  
Q Her father was a white man, wasn't he? A I reckon so.  
Q Is her mother living? A Yes.  
Q What's her name? A Sophia.  
Q You have just appeared before the Commission in your own behalf have you not? A Yes.  
Q How long since you have seen your mother? A This morning.  
Q Did you talk to her about coming down before the Commission?  
A Yes.  
Q What did she say about it? A Just refused to come.  
Q She was notified about the first of last January about the Commission being here in this vicinity, wasn't she? A Yes.  
Q And she refused to come then, too? A Yes.  
Q She is the daughter of Sophia Sam for whom an application has just been made? A Yes.  
Q Is your mother married at this time? A She was married, but her husband's dead.  
Q Has she any children living with her now? A Yes.  
Q How many? A Five.  
Q What are their names? A Callie.  
Q How old is Callie? A Fifteen.  
Q Next one? A Clint.  
Q How old is Clint? A Twelve.

Eliza Tubbee, et al., 2.

- Q Next one? A Pat, ten.  
Q Next one? A Leafis.  
Q How old is Leafis? A Five.  
Q Next one? A Sidney.  
Q How old? A Three.  
Q Are these children all living at this time with your mother now?  
A Yes.  
Q Is Callie a girl, or boy? A Girl.  
Q What's the name of her father? A Same father as mine.  
Q John Ivey? A Yes.  
Q What's the name of Clint's father? A John Ivey.  
Q What's the name of Pat's father? A Wade Tubbee.  
Q Pat 's a boy? A Yes, sir.  
Q What's the name of Leafis' father? A Wade Tubbee.  
Q Is Leafis a boy or girl? A Boy.  
Q Sidney is a boy, too, is he? A Yes.  
Q Is Wade Tubbee his father, too? A Yes.  
Q Wade Tubbee living? A No.  
Q Was he a full blood Choctaw? A Yes, I reckon so.  
Q Now, your mother has just in her family herself and five minor children, is that right? A Yes.  
Q Do you know the name of Wade's father, or his mother? A No, I don't know.  
Q Do you know whether any of the ancestors of Wade Tubbee ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing rabbit Creek, or ever received any benefits under that article? A I don't know.  
Q Did you ever hear of any of them ever getting any scrip from the Government under the Act of Congress approved on the 23rd day of August, 1842? A I don't know.  
Q Did you ever hear of any of them ever getting any money from the Government? A No.  
Q Or any land from the Government? A No.

(The affidant has heretofore made application in his own behalf on this date. His examination developed that prior to leaving home this morning the question of appearing before the Commission was discussed in the family, and that his mother positively refused to appear before the Commission, or give in her testimony. It is apparent from the evidence of this applicant, and other information in possession of the Commission, that Eliza Tubbee is a half blood Choctaw, but that her habits and customs are those of a full blood Indian. She associates entirely with the Indians and is considered by them as one of their number; she speaks and understands the Choctaw language, and comparatively little English. No application of any description has ever been made before to-day for this applicant, or any of her children, so far as our records disclose, and her son, Anderson, states that no such application has ever been made to his knowledge.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized

Eliza Tubbee, et al., 3.

Tribes, he reported in full all proceedings had in the above entitled cause on the 21st day of February, 1902, at Franks, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*P. J. Street*  
Subscribed and sworn to before me at Seale, Mississippi, this 18th day of March, 1902.

*L. B. Mosely*  
Clerk U. S. Circuit Court,  
Southern District of Mississippi,

By *Mark*

Deputy.

M.C.R. 4847

Muskogee, Indian Territory, September 16, 1904.

Eliza Tubbee,

Fish, Mississippi.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of yourself and your minor children, Callie Ivey, Clint Ivey, Pat Tubbee, Leafis Tubbee, and Sidney Tubbee.

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

Respectfully,

(SIGNATURE)

*James D. Kirby*

Chairman.

Registered.

M.C.R.4847.

COPY,

Muskogee, Indian Territory, February 10, 1905.

Eliza Tubbee,

Fish, Mississippi.

Dear Madam:

You are hereby notified that on the 31st day of January 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification of yourself and minor children, Callie Ivey, Clint Ivey, Pat Tubbee, Leafis Tubbee and Sidney Tubbee, as Mississippi Choctaws, included in the consolidated case of Scott Bell et al., of which decision you were advised by registered mail on the 16th day of September 1904.

Respectfully,

SIGNED:

*Tame Birby*

Chairman.

REFER TO M. C. R. 111

Sophia Sam, full, 70 -  
(On new full blood schedule)  
husband  
(white man)

Eliza Tubber, 40. 1/2  
husband  
① John Ivey, full, dead  
② Wade Tubber, full, dead

Mike Ivey, 28. 3/4  
wife  
Susan Ivey, 5 (7/8)  
\* Lisby Ivey, 50  
\* (On new full blood schedule)  
Anderson Ivey, 23 3/4  
mck  
2173  
Bob Ivey, 19 7/8  
mck  
484  
Callie Ivey, 15 3/4  
Clint Ivey, 12 3/4  
\* Pat Tubber, 10  
\* Lrafis Tubber, 5  
\* Sidney Tubber, 3  
\* Included in Consolidated  
Case of Wash Bell, et al.  
In CR 5156



#18

No. 5347

For Identification as a Mississippi Choctaw.

Grants, Miss. FL.  
Date

Name *Eliya Tubbee*

Age *40* Blood *1/2*

Post Office, *Fish, Miss.*

Father: *don't know*

Mother: *Sophia Sam* L

Claims through *mother*

Children:

- Callie Ivey* (F) *15*
- Clint Ivey* (full) *12*
- Father *John Ivey* (full) *d*
- Pat Tubbee* (M) *10*
- Leafis* " (M) *5*
- Sidney* " (M) *3*
- Father *Wade Tubbee* (full) *d*

Stenographer

*R. S. Street*

Choctaw MCR 4848

Mike Ivey

See MCR 5037

MCR 4848

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

-c00-

In the matter of the application for the identification of  
Mike Ivey, et al., as Mississippi Choctaws.

-c00-

Herein is the record in the matter of the application for  
the identification of Mike Ivey, et al., as Mississippi  
Choctaws, M.C.R. 4848.

-c00-

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

-c0c-

In the matter of the application for the identification of  
Mike Ivey, et al., as Mississippi Choctaws, W.C.N. 4848.

--: I N D E X :--

	(Page)
Original application of Mike Ivey, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission identifying Lisby Ivey, Eula Tuf-fa-mah and Sallie Tuf-fa-mah as Mississippi Choctaws-----	4

-c0c-

4848

Witness Lisby - Eula & Sallie

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Franks, Mississippi, February 21, 1902.

In the matter of the application of Mike Ivey for the identification of himself, his wife, Lisby, step-daughters, Eula and Sallie Tuf-fa-mah, and minor daughter, Susan, as Mississippi Choctaws, represented by his brother, Anderson Ivey.

Anderson Ivey, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Anderson Ivey.  
Q What's your post office address? A Fish, Mississippi.  
Q What's your age? A Twenty three.  
Q Are you acquainted with Mike Ivey? A Yes.  
Q What relation is he to you? A Full brother.  
Q Where does he live? A Near Fish post office, on the same place I live on.  
Q Is Fish his post office address? A Yes.  
Q About how old a man is Mike? A I don't know how old he is.  
Q Well, is he older than you are, or younger? A Older.  
Q About how many years older than you are? A I don't know, about twenty eight.  
Q You say he is your full brother? A Yes.  
Q He is three quarters Choctaw then, is that right? A Yes.  
Q What was his father's name? A John Ivey.  
Q His mother's name is Eliza Tubbee? A Yes.  
Q You have just given in your application for yourself, have you not to-day? A Yes.  
Q Before you left home today, did you see Mike? A Yes.  
Q Did you have a talk about coming before the Commission? A Yes, I come by there.  
Q Did he say whether he was coming down, or not? A He said he wouldn't come.  
Q He said he wouldn't come down before the Commission? A Yes, wouldn't come down.  
Q He was notified in the early part of January about the Commission being in this vicinity wasn't he? A I reckon so.  
Q And he refused to come then, too? A Yes.  
Q Is Mike married? A Yes.  
Q Wife living with him now? A Yes.  
Q What's her name? A Lisby.  
Q About how old do you think Lisby is? A About fifty.  
Q Is she a full blood Choctaw? A Yes.  
Q Has she always lived here in Mississippi? A I don't know.  
Q How long has she lived up here in Neshoba County? A I don't know.  
Q Has she a Choctaw name? A I don't know.  
Q Does she speak or understand the Choctaw language? A Yes.  
Q Do you know the name of her father or her mother? A No.  
Q Are either of them living? A No.

Mike Ivey, et al., 2.

- Q Do you know where her parents lived during their life time?  
A No.  
Q Have she and Mike any minor children living with them? A Yes.  
Q How many? A Three.  
Q What are their names and ages? A Eula.  
Q How old? A About seventeen.  
Q Is she married? A No.  
Q What's the name of the next child? A Sallie.  
Q About how old is she? A About ten.  
Q Next child? A Susan.  
Q About how old is Susan? About five.  
Q Are these three children living with your brother, Mike, at this time? A Yes.  
Q Is he the father of any one of them? A One.  
Q Which one? A Susan.  
Q Who is the father of Eula and Sallie? A I don't know.  
Q Did you ever hear what his name was? A No.  
Q Did you ever hear that his name was Moses? I don't know.  
Q Is he dead? A I reckon so.  
Q Was he a full blood Choctaw? A Yes.  
Q What name did Lisby go by before your brother Mike married her?  
A I don't know.  
Q Didn't she go by the name of Lisby Moses? A Not that I know of.  
Q Did you ever hear that she was once married to a man by the name of Billy Tuf-fa-mah? A I don't know.  
Q Have you given the name of each one of the members of Mike's family? A Yes.  
Q Do you know whether any of the ancestors of Lisby, his wife, or of Eula, ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know if they did.  
Q Did any of them ever get any land from the Government to your knowledge? A No.  
Q Any of them ever get any money from the Government? A If they did, I never heard.  
Q You never heard, then, of any of them ever having received any benefits as Choctaw Indians? A No.  
Q How long have you been acquainted with Lisby? A About fifteen years.  
Q Did you ever know any of her people - old folks? A No.  
Q You know nothing of the family before that time? A No.

(Special reference is here made to the testimony of this man, Anderson Ivey, given in his own case at Franks, Mississippi, on this date. It appears that prior to his coming to the office of the Commission today, the matter of appearing before the Commission was discussed at home, and that his mother, Eliza Tubbee, his grand mother, Sophia Sam, and that his full brother, Mike Ivey, refused to appear before the Commission, and it has, therefore, been deemed best to procure such a record as is possible from Anderson.)

(Witness excused.)

Mike Ivey, et al.,3.

Willis Tuf-fa-mah, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Willis Tuf-fa-mah.  
Q Are you acquainted with Mike Ivey? A Yes, sir.  
Q And you are acquainted with Anderson who is before the Commission now, are you? A Yes, sir.  
Q Are they full brothers? A Yes, sir, full brothers.  
Q Are you acquainted with their mother? A Yes, sir.  
Q What's her name? A Eliza.  
Q Are you acquainted with Mike's wife, Lisby? A Yes, sir.  
Q Is she a full blood Choctaw? A Yes, sir.  
Q She and Mike are living together now, are they? A Yes, sir.  
Q Was Lisby ever married before Mike married her? A Yes, sir.  
Q What was her other husband's name? A Billy Tuf-fa-mah.  
Q Any kin to you? A Yes, my uncle's boy.  
Q Was Billy a full blood Choctaw? A Yes, full blood Choctaw.  
Q Well, did Lisby have any children by Billy? A Yes, sir.  
Q Are any of them living now? A Yes.  
Q How many? A One.  
Q What's that child's name? A Eula.  
Q Billy is dead, is he? A Yes, he is dead.  
Q Has Lisby a child named Sallie living now, about ten or eleven years old? A I don't know.  
Q Was Lisby married to anyone else after Billy died, before she married Mike? A I don't know.  
Q Did she ever have a child by Billy Tuf-fa-mah that was named Sallie? A I don't know, this child was born since Billy died; I don't know whether it was Billy's or not, it must be, though.

R. S Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 21st day of February, 1902, at Franks, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Seale, Mississippi, this 18th day of February, 1902.

*L. A. Woodley*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi.

By *[Signature]*

Deputy.

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

-oOo-

In the matter of the application for the identification of  
Mike Ivey, et al., as Mississippi Choctaws, M.C.R. 4848.

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

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on February 21, 1902, by Anderson Ivey for Mike Ivey, his wife,  
Lisby Ivey, his minor step-daughters, Kula and Sallie Tuf-fa-mah,  
and his minor child, Susan Ivey, under the following provision of  
the act of Congress approved June 28, 1898 (30 Stats., 495):

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

From the evidence submitted in support of said application  
it appears that Lisby Ivey, Kula Tuf-fa-mah and Sallie Tuf-fa-mah  
are full-blood Mississippi Choctaw Indians. The other applicants  
are mixed-blood Choctaws, and as such do not come within the pur-  
view of Section forty-one of the act of Congress approved July 1,



(2)

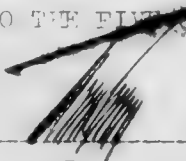
1902 (32 Stats., 641). Whatever rights as Mississippi Choctaws they may possess by reason of being mixed-blood Choctaws will be determined at a later date.

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

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Lisby Ivey, ula Tuf-fa-mah and Gallie Tuf-fa-mah should be identified as Mississippi Choctaws, and it is so ordered.

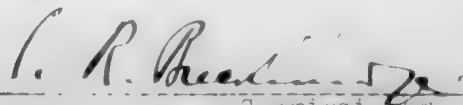
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Washington, Indian Territory,

MAY 18 1904

Commissioner.

MERIDIAN, MISSISSIPPI, October 6, 1903.

Mike Ivey,

Fick, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on February 21, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 A. M. and 6 P. M.

Very respectfully,

No. 116--MCR 4848

Special Agent.

Meridian, Mississippi, November 30, 1903.

Mike Ivey,

Fish, Mississippi.

Dear Sir-

Under date of October 6, 1903, the following letter was written to you:

It appears from the records of the Commission that on February 12, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim, it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

File 116

Special Agent.

M C R 4848

Muskogee, Indian Territory, March 2, 1904.

Mike Ivey,

Fish, Mississippi.

Dear Sir:

It appears from the records of the Commission that on February 21, 1902, your brother, Anderson Ivey, appeared before this Commission at Franks, Mississippi and made application for you, your wife and minor children as Mississippi Choctaws.

From his testimony at that time it is impossible to determine whether or not your wife is a full-blood Mississippi Choctaw Indian, and for the purpose of obtaining this information in proper form there is enclosed herewith blank affidavit in interrogatory form which you are requested to take before some notary public and answer under oath the questions therein propounded, returning same to this Commission in the enclosed envelope which requires no postage.

This matter should receive your prompt attention.

Respectfully,

Env. & JD 3.

Commissioner in Charge.

M.C.R. 4848

Muskogee, Indian Territory, May 18, 1904.

Lisby Ivey,

Fish, Mississippi,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 18, 1904, identifying you and your two children, Kula Tuf-fa-mah and Sallie Tuf-fa-mah as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order to avail yourselves of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 18, 1904, and must make proof of such removal and settlement on or before May 18, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Commissioner in Charge.

Registered.

Incl. MCR 4848.

M.C.R. 4848

Muskogee, Indian Territory, May 18, 1904.

Anderson Ivey,  
Fish, Mississippi,

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on May 18, 1904, rendered its decision identifying Lisby Ivey and her two children, Eula Tuf-fa-mah and Sallie Tuf-fa-mah as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 18, 1904, and must make proof of such removal and settlement on or before May 18, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

G. W. BIRD

Commissioner in Charge.

M.C.R. 4848

COPY.

Muskogee, Indian Territory, May 18, 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 18, 1904, identifying Lisby Ivey, Eula Tuf-fa-mah and Sallie Tuf-fa-mah as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1904 (32 Stat., 641).

You are hereby notified that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said applicants as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file protest within the time allowed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Registered.

Incl. MCR 4848.

Commissioner in Charge.

Muskogee, Indian Territory, September 16, 1904.

Mike Ivey,

Fish, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of yourself and your minor daughter, Susan Ivey.

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

Respectfully,

(S. )

*Tame Bixby.*  
Chairman.

Registered.



COPY.

Muskogee, Indian Territory, February 10, 1905.

White Ivey,  
Fish, Mississippi.

Dear Sir:

You are hereby notified that on the 31st day of January 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification of yourself and daughter, Susan Ivey, as Mississippi Choctaws included in the consolidated case of Scott Bell, et al., of which decision you were advised by registered mail on the 16th day of September 1904.

Respectfully,

SIGNED

*Jains Dixey*

Chairman.

1,00

No.

4315

# For Identification as a Mississippi Choctaw.

Grants, Miss.

Date FEB 21 1902

Name Mike Ivey

Age 28

Blood

Post Office, Fish, Miss.

Father: John Ivey

Mother: Eliza Tuffamoh

Claims through

wife Lisby Ivey

Father don't know

mother

(full)

50  
a  
d

Claim

Children:

Eula Tuffamoh  
Father Billy Tuffamoh

Sallie  
Father don't know

Susan Ivey

17 d  
f.b.  
10  
d

5

Stenographer

R. S. Street

Choctaw MCR 4849

Australia Rogers

See MCR 131

MCR 4849

R. 561

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

In the matter of the application of Australia Rodgers for enrollment of herself and two minor children as citizens by blood of the Choctaw Nation and for enrollment of her husband as an inter-married citizen of the Choctaw Nation.

-----  
The applicant, Australia Rodgers, appeared before the Commission at Atoka, Indian Territory, June 8th, 1900 and from her oral testimony given at that time on behalf of her claim for enrollment of herself and minor children, Essie and Osceola Rodgers as citizens by blood of the Choctaw Nation, and for enrollment of her husband, Alfred Rodgers as an intermarried citizen of the Choctaw Nation.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission.

It also appears from the evidence that the applicant, Australia Rodgers and her husband Alfred Rodgers were not married by virtue of a license issued under the Choctaw Law.

The application for enrollment as citizens by blood of the Choctaw Nation of Australia Rodgers and her minor children, Essie and Osceola Rodgers, and her husband Alfred Rodgers, as an inter-married citizen of the Choctaw Nation, is therefore hereby refused.

BY THE COMMISSION.

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

Muskogee, Indian Territory, August 30, 1900.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Atoka, Ind. Ter., June 8, 1900.

In the Matter of the Application of :  
Australia Rogers et al, for Enrollment  
as Citizens of the Choctaw Nation. : Choc.-R.561.

-----

Australia Rogers, being first duly sworn, testified as follows:

By Mr. Bixby:

- Q What is your name? A Australia Rogers.
- Q What is your age? A Twenty years.
- Q What is your postoffice address? A Alderson, I. T.
- Q Do you live at Alderson? A Yes, 5 miles from there.
- Q How long have you lived there? A Four years.
- Q Have you been living there continuously for the past four years?
- A Yes sir.
- Q Where did you live before that? A We lived in the Choctaw Nation
- Q Where were you born? A Louisiana.
- Q How old were you when you first came to the Choctaw Nation? A I have been here 13 years, in the nation.
- Q What is the name of your father? A Berryman.
- Q Is he living? A Yes sir.
- Q Is he a Choctaw Indian or a white man? A White man.
- Q What is the name of your mother? A Sallie Berryman.
- Q What was her name before she was married? A I don't know.
- Q Is she a white woman or a Choctaw Indian? A Choctaw Indian.
- Q What proportion of Choctaw Indian blood runs in her veins?
- A I don't know anything about that at all.
- Q Does she look like an Indian, negro or white woman.
- A She looks like an Indian.
- Q How much Indian would you think she has? A I don't know anything about it; I just know she is Indian.
- Q How much Indian have you? A I don't know.
- Q Are you 1/64? A I don't know; I am Choctaw Indian; that is all.
- Q How do you happen to know that? A Because my mother is Indian.
- Q Do you think you look like an Indian? A Yes, I do.
- Q Has your name ever been on the Choctaw tribal rolls? A No
- Q Did you ever apply to the Choctaw tribal authorities for enrollment as a Choctaw Indian? A No I haven't.
- Q Did you apply to the Dawes Commission in '96? A I didn't but my mother was there.
- Q Four years ago? A I didn't apply at all.
- Q Is the first time you ever applied? A Yes sir.
- Q What county in the Choctaw Nation do you claim to belong to?
- A Tobaccoe I believe; I don't know exactly what county it is.
- Q When did you first hear you were Indian? A I have heard it all my life.
- Q When did you first hear the name of the county to which you belong in the Choctaw Nation? A I don't know.
- Q Did you ever hear it many times? A I never paid much attention to it.
- Q Did you hear it for the first time today? A No, I have heard it several times.
- Q Are you married? A Yes sir.
- Q What is the name of your husband? A Alf. Rogers.
- Q Is he an Indian or a white man? A White man.
- Q Are you claiming citizenship for him? A Yes sir.
- Q What kind of citizenship do you claim for him? A Intermarriage citizenship.
- Q You claim he is an intermarried citizen of the Choctaw Nation by virtue of his marriage to you? A Yes sir.

2-Rogers.

- Q What is the name of his father? A John Rogers.  
Q Is his father living, or dead? A Dead.  
Q Is his mother living or dead? A Dead.  
Q What is her name? A I don't know.  
Q Was she a white woman? A I suppose so; I don't know anything about her  
Q Was his father a white man or Indian? A White man.  
Q They never claimed to be Indian, did they? A No sir.  
Q Have you any children? A Yes, two.  
Q What are their names and ages? A Essie Rogers and Ocoola Rogers, ages 6 and 3 years.  
Q Is there any additional statement you can think of that you wish to make at this time? Have you any papers you would like to file?  
A Yes sir.

Papers filed.

By Mr. Pool:

- Q Your mother is Sallie Perryman? A Yes sir.  
Q Is she a Mississippi Choctaw Indian? A Yes sir.  
Q Have you improvements in the Choctaw Nation where you live?  
A Yes sir.  
Q Living on your improvements? A Yes sir.  
Q Got a farm there? A Yes sir.  
Q All you have got is on that place? A Yes sir.  
Q You have no other home? A No, we have no other home at all.  
Q Did you move to, and are you living there in good faith as a Choctaw Indian? A Yes sir.  
Q Believing that you have a perfect right there as citizens of the Choctaw Nation? A Yes sir.

By Mr. Bixby:

- Q How did you first get possession of his place? A Just bought it.  
Q Bought it from a white man or an Indian. A Just a claim  
Q Did you buy it in the first instance, or did you lease it?  
A Just bought it.  
Q The testimony in this case, and the papers which you may file will be forwarded to the Hon. Secretary of the Interior for his examination when the rolls of the citizens of the Choctaw Nation are sent to him for his final approval.

Your enrollment and the enrollment of your husband and children is refused for the reason that your names do not appear on the tribal rolls of the Choctaw Nation now in possession of this Commission, and for the further reason that it does not appear from the testimony or the records in the possession of this Commission, that either you or your husband or children have ever been recognized as citizens of the Choctaw Nation and you were not admitted to citizenship by the Commission to the Five Civilized Tribes under the Act of June 10, 1896, or by a judgment of the U. S. Court in the Ind. Ter. and the enrollment of your husband as an intermarried citizen of the Choctaw Nation is refused for the additional reason that it does not appear that he was married to a recognized citizen of the Choctaw Nation by blood, or that he married you by virtue of a license issued under the Choctaw law

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness and that the foregoing is a true and complete transcript of said testimony.

&&

*Frances R. Brown*

Subscribed in my presence and sworn to before me  
this 18th day of June, A. D., 1900

  
Acting Chairman.

Muskegee, Indian Territory, December 6, 1900.

Australia Rogers,

South McAlester, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 1st instant, enclosing application for the enrollment as a citizen of the Choctaw Nation of Ollie Rogers, the infant son of James A. and Australia Rogers, born June 25th, 1900, and the same is returned to you herewith for the reason that on August 30th, 1900, a decision was rendered, refusing your application for enrollment as a citizen by blood of the Choctaw Nation, a copy of such decision being mailed to you on September 1st, 1900. Therefore the record in your case, so far as the Commission is concerned, is closed.

Yours truly,

Acting Chairman.

Enc a

7-R-561

Miss. Choc. 4849.

Muskogee, Indian Territory, March 21, 1902.

Australia Rogers,

South McAlester, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of evidence of the birth of Ollie Rogers, infant son of Australia and James Alfred Rogers, born June 25, 1900. The affidavits of the mother and the nurse at the birth of this child have been accepted as evidence of his birth, and filed with and made a part of the original application of its parents for identification as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.



Muskogee, Indian Territory, February 12, 1903.

Australia Rogers,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that on the 12th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sallie Berryman, et al., embracing the following applications for identification as Mississippi Choctaws:

Sallie Berryman, et al.	M.C.R.	131
Francis Berryman	M.C.R.	720
Australia Rogers, et al.	M.C.R.	4849
Robert Berryman, et al.	M.C.R.	5514

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 Sallie Berryman, Mergie Berryman, Maude Berryman, Joe Berryman,

Australia Rogers, --2

Corinne Berryman, John Berryman (1), John Berryman (2), Augusta Weston, Francis Berryman, Australia Rogers, Essie Rogers, Oceola Rogers, Ollie Rogers, Robert Berryman, William Berryman and William Monroe Berryman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article (part of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

It is further the opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Sallie Berryman for the identification of her husband, Milton Berryman; by Dulcie Berryman, for the identification of herself; by Australia Berryman for the identification of her husband, Alf Berryman, and by Robert Berryman for the identification of his wife, Rosey Berryman, as in-married Mississippi Choctaws, should therefore be refused, and it is so ordered."

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

Respectfully,

150

Acting Chairman.

Registered.

REFER IN REPLY TO THE FOLLOWING:

MCR-4849

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

Muskogee, Indian Territory, February 21, 1907.

Australia Rogers,  
South McAlester, Indian Territory.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 13, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of February 12, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Sallie Berryman et al.

Respectfully,



Commissioner.

**MEMORANDA.**

20

Name

*Winst. Lida P. Rogers*

(Date)

*June 8 1899*

1899

Choctaw ?

County

*Choctaw*

Year

No.

Chickasaw

County

Year

Page

Citizen by blood ?

Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Name

*Alf Rogers*

Choctaw ?

County

Year

No.

Chickasaw ?

County

Year

Page

Citizen by blood ?

Mother's citizenship

*Winst. Lida P. Rogers*

Intermarried citizen ?

*Yes*

*John Rogers*

Married under what law ?

License filed this day

Names of children :

6	<i>Essie Rogers</i>	County	Year	Page	No.
		County	Year	Page	No.
3	<i>Beola</i>	County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.

*P. D. Alderson*  
*Father*  
*Mother* *Sallie*  
*Husband* *Alf Rogers*  
*Alfred*

For Identification as a Mississippi Choctaw.

Date June 8. 1900

Name Antkatha Rogers

Age 20 Blood Ant knew

Post Office Alderson T.

Father: Berryman ✓

Mother: Fannie Berryman ✓

Claims through mother  
Husband Alf Rogers, white,

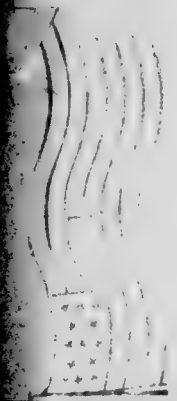
Claims for self, husband and two children

Children:

Eric Rogers	6
Occola	3

Stenographer Fannie R. Brown

116-411



DEPARTMENT OF THE INTERIOR  
Commissioner to the Five Civilized Tribes

FILED

W.F.

A handwritten signature in dark ink, appearing to be "W.F. [unclear]", is written over the typed name.

Commissioner.

Department of the Interior.

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



Australia Rogers,



South McAlesha, Ind.



Choctaw MCR 4850

Roxanna Freeman

See MCR 4006

MCR 4850



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. February 26, 1902.

4850

In the matter of the application for identification as Mississippi Choctaws of Roxanna Freeman for herself and her minor son, William Clyde Freeman.

Applicants represented by attorney J. G. Ralls; No appearance.

Roxanna Freeman being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Roxanna Freeman.  
Q What is your age? A Forty-five.  
Q What is your post office address? A Fairland, Indian Territory.  
Q How long have you lived there? A We have lived there eight years I believe.  
Q Where did you live before that? A Maysville, Arkansas.  
Q Where were you born? A Sherman, Texas.  
Q How long did you live in Texas? A I was twelve years old when we left Texas.  
Q And went to Arkansas? A Yes, sir.  
Q And lived there until nine years ago? A I lived in the Territory part of the time.  
Q But, for nine years continuously you have lived in the Territory? A Yes, sir.  
Q Is your father living? A No, sir; he is dead.  
Q Is your mother living? A Yes, sir.  
Q What was your father's name? A Jackson D. Dumas.  
Q What was your mother's name? A Lucinda Dumas.  
Q That is her name now? A Yes, sir.  
Q Has she a middle initial? A Lucinda Caroline.  
Q You claim through your father or mother? A Through 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 No, sir.  
Q When and where, if you remember, were your father and mother married? A They were married in fifty-three and I believe they were married at Ripley, Mississippi; I am not sure about that.  
Q By a minister and under a license? A I could not tell you.  
Q You think you could produce evidence of their marriage later? A My brother has sent for it.

A reasonable time will be allowed for that purpose.

- Q Have you a husband living? A Yes, sir.  
Q What is your husband's name? A D. W. Freeman.  
Q You make any claim for him as having Choctaw Indian blood? No sir

#2

- Q His blood is white is it? A No, sir; it is Cherokee.  
Q You make the claim then that he has Cherokee blood? A Yes, sir.  
Q But not Choctaw? A No, sir.  
Q Have you any children under twenty-one years of age and unmarried? A One.  
Q You want to make application for that one? A Yes, sir.  
Q What is the Child's name? A William Clyde Freeman.  
Q How old is he? A He is eighteen.  
Q And he is the son of D. W. Freeman? A Yes, sir.  
Q And lives with you at your home? A Yes, sir.  
Q Has your husband been enrolled as a Cherokee? A Yes, sir.  
Q Do you know whether or not he has made application for the enrollment of this son? A Yes, sir.  
Q As a Cherokee? A Yes, sir.  
Q Has the son been enrolled? A Yes, sir.  
Q Have you been enrolled as a Cherokee? A Yes, sir; as an adopted citizen.

It appears from an examination of the records of the Commission that the applicant and her minor child William Clyde Freeman have been listed for enrollment by the Commission as citizens of the Cherokee Nation; the applicant in chief under the name of Roxie L. Freeman as a citizen by intermarriage of the Cherokee Nation and her minor son as a citizen by blood of the Cherokee Nation and their names appear on Cherokee roll card field number ninety-one. The name of the applicant in chief is found upon the 1880 authenticated roll of the Cherokee Nation as a citizen of the Delaware District, number 993 as R. S. Freeman and the name of her son William Clyde Freeman is found upon the 1896 census roll as a citizen of the Cherokee Nation, Delaware District, number 1218.

At this point in the examination it developing that the applicant Roxanna Freeman and her minor child William Clyde Freeman having been listed for enrollment as citizens of the Cherokee Nation the examination, at the request of the applicant in chief, is discontinued.

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 26, 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.

Subscribed and sworn to before me this 1st day of March 1902.

*G. Rosenwinkel*  
*[Signature]*  
Notary Public.

COMMISSIONERS  
JAMES BIXBY  
THOMAS B. NEEDLES  
C. R. BRACKENRIDGE  
W. E. STANLEY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER TO IN REPLY TO THE FOLLOWING

M. C. R. 4850.

ALLISON I. AYERSWORTH  
SECRETARY

MUSKOGEE, INDIAN TERRITORY, May 15, 1903

AL SENT ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Roxanna Freeman,  
Fairland, Indian Territory.

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

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blauks, et al.,	M. C. R. 4118
William C. Blauks, et al.,	M. C. R. 4135
Robert E. Blauks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

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 Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Ison Lantrip, William T. Brasher, Malty Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adela Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lulu K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moira Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Farris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Amos Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blauks, Arthur Blauks, William C. Blauks, Ruth J. Blauks, Mary G. Blauks, Robert E. Blauks, Robert E. Blauks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lulu A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamou Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leshe, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madaline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the 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,

(S.D.)

Chairman

Registered.

MCR-4850

COPI.

Muskogee, Indian Territory, January 22, 1906.

Roxanna Freeman,

Fairland, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 3, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, the application for the identification of yourself and minor child, William C. Freeman, as Mississippi Choctaws, is a part.

Respectfully,

Commissioner.



Department of the Interior,  
Commission to the Five Civilized Tribes.  
CHOCTAW-CHICKASAW ENROLLMENT.

Letter file No.

Name

Date

Report

March 21 1902

One copy of testimony  
delivered Cherokee Enrollment  
Division

No. 4850

For Identification as a Mississippi Choctaw.

Date FEB 26 1902

Name Roxanna Freeman

Age 45 - Blood 1/16

Post Office, Fairland, I. T.

Father: Jackson H. Dumas, d.

Mother: Lucinda C. " " l.

Claims through father  
Husband  
H. W. Freeman, l.

no claim for husband  
Cherokee

Children:

William C. Freeman, 18

Claims for self &  
child.

Stenographer G. Rosenmontel.

Choctaw MCR 4851

John Watkins

See MCR 4852

MCR 4851

4551

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Franks, Mississippi, February 22, 1902.

In the matter of the application of John Waukin for the identification of himself and minor child, Lillian, as Mississippi Choctaws, represented by his sister, Meely Tubbee.

Meely Tubbee, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Meely Tubbee.
- Q About how old are you? A About forty or forty five years old.
- Q What's your post office address? A Fish, Mississippi.
- Q Are you acquainted with a man by the name of John Waukin? A Yes, sir.
- Q About how old is John Waukin, do you know? A No, sir.
- Q Older than you or younger? A Younger.
- Q You think he is about thirty five or six? A Maybe so, I can't tell you.
- Q How much Choctaw blood has he? A One-half.
- Q Where does he get his mail? A Franks, post office.
- Q Has he lived in Neshoba County all his life? A Yes, sir.
- Q What's his father's name? A Waukin.
- Q Was he a full blood Choctaw Indian? A Yes, sir.
- Q Did he always live here in Mississippi? A I can't tell you.
- Q How long has he been dead? A Died when I was little.
- Q You remember for sure that he was a full blood Choctaw? A Yes, sir.
- Q What's John's mother's name? A Ann Howard.
- Q She is also your mother? A Yes, sir.
- Q And is a white woman? A Yes, sir.
- Q She lives right here with her son, John, now? A Yes, sir.
- Q Do you know whether your mother was married to this man Waukin? A No, sir.
- Q Do you know whether they lived together as man and wife? A No, sir.
- Q Is John married now? A Yes, sir. He has been married.
- Q How many times? A Once.
- Q Has he any children living? A One.
- Q Girl? A Yes, sir.
- Q How old? A She will be eleven years old the last day of this month.
- Q What's her first name? A Lillian.
- Q She is living with John now, is she? A Yes, sir.
- Q What was her mother's name? A Eliza.
- Q She is dead? A Yes, sir.
- Q Did she have any Choctaw blood? A Yes, sir, all Choctaw.
- Q Full blood Choctaw? A Yes, sir.
- Q How old has Eliza been dead? A Been dead about three or four years.
- Q Well, John was married to her under a license, was he? A No, sir.
- Q Just according to the Choctaw custom? A Yes, sir.

John Waukin, et al., 2.

Q How sk long did he live with Eliza? A Well, she went off and left him about five months before she died.

Q Do you know how long they lived together? A About four or five years.

Q Do you know the name of her father or her mother? A No, sir.

Q Where was she from? A Bogue Chitto.

Q Away up about North Bend, in this county? A Yes, sir.

Q Did she live in this County all her life? A I reckon so.

Q You never did hear what her parents were? A No, sir.

Q You know nothing at all, then, of her ancestry? A No, sir.

Q Well, do you know the name of either of Waukin's parents? A No, sir.

Q Don't know any of his ancestors, except Waukin? A No, sir.

Q In your examination this morning, we explained fully to you about the 14th article of the treaty of Dancing Rabbit Creek, and asked whether any of your people had ever complied or attempted to comply with its provisions, or ever received any benefits thereunder; now, do you know whether any of the ancestors of John Waukin, or the Choctaw ancestors of his wife, Eliza, ever complied or attempted to comply with the provisions of this 14th article? A I can't tell you nothing about it.

Q Did you ever hear whether any of them ever got any land from the Government here in Mississippi? A No, sir.

Q Or any money? A No, sir.

Q If they ever did, you never heard of it, then? A Never heard of it.

Q So far as you know, then, none of the ancestors of your half brother, John Waukin, or his wife, Eliza, the mother of Lillian, ever received any benefits whatever at Choctaw Indians? A No, sir.

Q Has Eliza any brothers or sisters living that you know of? A No, sir.

Q Don't know any of her kin folks? A No, sir.

Q Has John any full brothers or sisters living? A Aint got but one half sister.

Q And you are that one? A Got one, Tom Chitto's wife. Marinda Chitto, the wife of Tom Chitto.

Q Is her father and John's father the same? A Yes, sir.

Q Is Marinda a full blood, is she? A Yes, sir.

Q Have you ever talked to John about the Commission? A No, sir.

Q Did you ever hear of any one else talking to him about it? A Yes sir.

Q What did he say about coming before the Commission? A He says there is no use of it.

Q Refuses to come positively? A Yes, sir.

Q What else did you ever hear him say about coming before the Commission? A Never heard nothing else, only my mother tells me.

Q What else did your mothersay he said? A She just said he wouldn't come before the Commission.

Q Said he never would come before the Commission? A Yes, sir.

Q Doesn't live, either, but a half mile from this place, does he? A No, sir.

Q He knows the Commission is here now? A Yes, sir, of course, he knows it.

Q Knew they were here in January, didn't he? A Yes, sir.

John Waukin, et al., 3.

(Special reference is hereby made to the application made by Meeley Tubbee in her own behalf on this date. She is the half sister of John Waukin.)

R. S. Streit, having been first duly sworn, upon his oath States that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Franks, Mississippi, on the 22nd day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*  
Subscribed and sworn to before me at Beale, Mississippi,  
this 25th day of March, 1902.

*L. B. Mosely*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.

M.C.R. 4851.

COPY.

Muskogee, Indian Territory, April 6, 1904.

John Waukin,

Franks, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Meely Tubbee et al., including you and your child Lillian Walkin.

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

Respectfully,

(SIGNED)

*T. D. Neaves.*

Commissioner in Charge.

Registered.

M.C.R. 4851

COPY.

Muskogee, Indian Territory, November 30, 1904.

John Vaukin,

Franks, Mississippi,

Dear Sir:

You are hereby notified that on the 16th day of November, 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 Neely Tubbee et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,

(Signature)

Commissioner in Charge.



#1848

No. 4851

For Identification as a Mississippi Choctaw.

Franks Miss.

Date FEB 29

Name John Waukin

represented by Age 35 Blood 1/2

Post Office, Franks Miss.

Father: Waukin f. b. d.

Mother: Ann Howard L

Claims through father

Children:

~~Lillian~~

Lillian  
mother Eliza

(3/4) 10  
f. b. d.

Stenographer

R. S. Street

Choctaw MCR 4852

Meely Tubbee

See MCR 4851

MCR 4852

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

---o---

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

Meely Tubbee, et al.,           M.C.R. 4852  
John Waukin, et al.,           M.C.R. 4851

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

	(Page)
Original application of Meely Tubbee, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Original application of John Waukin, et al., to the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws-----	9
Decision of the Commission refusing the ap- plications in the consolidated case of Meely Tubbee, et al., for identification as Mississippi Choctaws-----	12

---o---

4852

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Franks, Mississippi, February 22, 1902.

In the matter of the application of Meely Tubbee for the identification of herself and three minor children, Winner, Annis and Dave, as Mississippi Choctaws.

Meely Tubbee, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Meely Tubbee.  
Q How old are you? A I can't tell you, sir.  
Q About how old are you? A I don't know, sir.  
Q About forty or forty five? A I expect so.  
Q How much Choctaw blood have you? A Half.  
Q What's your post office address? A Fish, Mississippi.  
Q Neshoba County? A Yes, sir.  
Q How long have you lived in Neshoba County? A All my life.  
Q Never have been in Indian Territory? A No, sir.  
Q Is your father living? A No, sir.  
Q What was his name? A Barcus.  
Q Did he have any other name? A No, sir.  
Q How long has he been dead? A I can't tell you that even.  
Q Did you ever see him? A Not as I know of.  
Q How much Choctaw blood did he have? A All Choctaw.  
Q Full blood? A Yes, sir.  
Q Do you know the name of his father? A No, sir.  
Q Or his mother? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What's her name? A Ann.  
Q What other name does she go by? A Ann Howard.  
Q She has no Choctaw blood, has she? A No, sir.  
Q You don't know the name of any one of your Choctaw ancestors except Barcus? A No, sir.  
Q Are you married at this time? A No, sir.  
Q How many children have you living who are under age and unmarried?  
A Three.  
Q What are their names and ages? A Winner Tubbee.  
Q A girl, how old? A She will be fifteen the fourth day or next  
October.  
Q Next one? A Annis.  
Q Is that a boy or girl? A Boy.  
Q How old is he? A He will be twelve years old the ninth day or  
next November.  
Q Next child? A Dave Tubbee.  
Q How old? A Will be eight years old the 28th day of next July.  
Q That's all your children under age and unmarried? A Yes, sir.  
Q What's the name of their father? A Sim Tubbee.  
Q Is he the father of all of them? A Yes, sir.  
Q Is he living now? A Yes, sir.  
Q How much Choctaw blood has he? A He is all Choctaw.  
Q Where does he live? A He lives at Center, somewhere.

Meely Tubbee, et al., 2.

- Q About how old a man is Sim? A I can't tell you.
- Q Has he ever been before the Commission? A I don't know, sir.
- Q Has he lived in this County all his life? A I think so, way up in yonder.
- Q He has lived in this State all his life? A Yes, sir.
- Q Do you know the name of his father? A Yes, sir.
- Q What's his father's name? A Wesley Tubbee; he is dead, though.
- Q How long has Wesley been dead? A He died in Last August.
- Q Was he a full blood Choctaw? A Yes, sir.
- Q Did Wesley always live here in the State of Mississippi? A Yes, sir.
- Q About how old was he when he died? A Way up about fifty years old, I expect.
- Q Pretty old man, was he? A Yes, sir.
- Q Were you acquainted with Sim's mother? A No, sir.
- Q Was she a full blood Choctaw too? A Yes, sir.
- Q You never seen her? A Never seen her, but heard them say she was a full blood Choctaw.
- Q What was her name? A I don't know her name.
- Q Do you know the name of Wesley's father or mother? A No, sir.
- Q Were you married to Sim Tubbee? A Yes, sir.
- Q Married under a license or according to the Choctaw custom? A Choctaw custom.
- Q How long did you live together? A Five years.
- Q Not any longer than that? A No, sir.
- Q Were all these children born to you while you were living with him? A Yes, sir.
- Q And are all his children? A Yes, sir.
- Q Now, did you get a divorce when you separated, either of you? A No, sir.
- Q You never have married since? A No, sir.
- Q Has he married since? A Yes, sir.
- Q Is his present wife a full blood Choctaw? A Yes, sir.
- Q What's her name? A I can't hardly ever think of her name -- Carolina that's it.
- Q Now, were Barcus and your mother married? A Yes, sir.
- Q Did they ever have any other children besides you? A Had one, but he is dead.
- Q Were they married under a license? A I can't tell you that.
- Q Do you know how long they lived together? A No, sir.
- Q How far does your mother live from here? A About a half mile from here.
- Q And you don't know anything about the marriage of this man Barcus and your mother? A No, sir.
- Q But you have always understood that this full blood Choctaw was your father? A Yes, sir.
- Q This application made for yourself and three minor children, is that right? A Yes, sir.
- Q Have you ever made any sort of application of any kind before today for the purpose of establishing your rights as Choctaw Indians? A No, sir.
- Q This is the first time you have tried to do such a thing? 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 for yourself and three minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Meely Tubbee, et al., 3.

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

Q You know what a treaty is? A Yes, sir.

Now, by an article, I mean a part or paragraph, or sub-division of a treaty, you know. This treaty in question the articles were numbered, one, two, three, four, five, six, etc., and you claim under that is called the 14th article; that is, the 14th article, or paragraph of the treaty. This treaty was made here in Mississippi on the 27th day of September, 1830, over seventy one years ago, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the most of the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from this country out west of the Mississippi River to a new country, so what is known as the Choctaw Nation, Indian Territory. Now, at the time the treaty was made, some of the Indians didn't want to leave this country and insisted upon staying here in Mississippi in the place of going out to the new country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi and not move out to the new nation, might receive land here in Mississippi from the Government. Now those people were to get land here seventy one years ago long before you were born, you know. Now, first, when a Choctaw who lived here seventy one years ago wanted to get land here in Mississippi from the Government under this 14th article of the treaty, he was required by the terms of that 14th article to let the agent of the Government here in Mississippi for the Choctaws know that he wanted to stay here and take land. First, I will quote the 14th article to you as it was put in the treaty. It is as follows:

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

Meely Tubbee, et al., 4.

I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek. You will observe that if a Choctaw at that time decided - at the time the treaty was made, to stay here, he was required by the terms of this 14th article to let the agent of the Government here in Mississippi know within six months from the time the treaty was ratified, the treaty was ratified on the 24th day of February, 1831, that he wanted to stay here in Mississippi, and he was then entitled to a piece of land one mile square, and for each child in his family over ten years of age, he was entitled to three hundred and twenty acres, and for each child in his family under ten years of age, he was entitled to one hundred and sixty acres. He wouldn't at that time get a deed to it, but the Government would set it aside and wouldn't sell it to anybody else, but would keep it for this Indian to see if he complied or did as that 14th article said he should do. These pieces of land to be given to his children were required by the 14th article to adjoin his land, and this land reserved for him and his children were required to cover the improvement belonging to him at the time the treaty was made. If the Indian lived on that land for five years from February 24, 1831, the day the treaty was ratified, he was entitled to a grant in fee simple for the land; that is, the Government would give him a deed or patent to it, and it became the property of the Indian, and he could do as he pleased with it. A good many Indians that stayed here in 1831, did as the 14th article required, and the Government gave them land here in Mississippi, some of them kept it a number of years, in some instances that land is still in the possession of descendants of those Indians who lived here seventy one years ago, and in a great many other instances, the land was sold for taxes, or the white people drove the Indian from the land, and he lost it. That 14th article said further, however, that persons who claimed under that article should not lose the privilege of a Choctaw citizen, but if they ever removed, that is, if they ever went out to the new nation west of the Mississippi River, they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid each year to the Choctaw Indians from the Government of the United States under treaty provisions.

- Q Now, I have quoted to you and explained to you the provisions of the 14th article of the treaty of Dancing Rabbit Creek. Did any of your fore-fathers, or, as you term it, old folks, or any of the fore-fathers of your husband, Sim Tubbee, ever comply or attempt to comply with the provisions of that 14th article? A I can't tell you.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made? A I don't know, sir.
- Q Did any of them, in fact, live here at that time, do you know? A I can't tell you that, either.
- Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the

Meely Tubbee, et al., 5.  
112

Choctaw tribe of Indians between the years 1833 and 1838? A I can't tell you that either.

Q Did any of them, within six months after this treaty was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the State and take land? A I can't tell you that either.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A I can't tell you that either.

Q Did you ever hear of any of your ancestors, or any of the ancestors of Sim Tubbee, ever having received any land here in Mississippi from the Government of the United States? A No, sir.

Q Or any money? A No, sir.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the State and take land under that article. The records of the Government show that this agent failed to register and report to the Government, the names of many Indians who did, in fact, let him know they wanted to stay here and become citizens and take land, and on this account, the Government, in its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under this 14th article. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States, and they came down here to Mississippi, between the years 1837 and 1845, and heard a great many of these Choctaw cases. They held sessions here in Neshoba County and over in Leake County, and at different places in this Choctaw country here in this State and a great many Choctaws came before them from all parts of the State and tried to establish their claims to land under this 14th article.

Q Did any of your ancestors, or any of the ancestors of Sim Tubbee appear before any of these commissioners, and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I can't tell you.

An Act of Congress approved on the 23rd day of August,



Meely Tubbee, et al., 6.

1852, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of this 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 in the place of the land so sold by the Government, land some place else here in Mississippi, or over in Alabama, down in Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of the ancestors of Sim Tubbee, ever ~~acquire~~ get any of this scrip from the Government of the United States under this Act of Congress? A I don't know, sir.

Q Never heard of it if they did? A No, sir.

Q So far as you know, then, none of your ancestors and none of the ancestors of Sim Tubbee ever received any benefits as Choctaw Indians? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of the ancestors of Sim Tubbee ever complied or attempted to comply with this treaty provision, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q You never saw or heard of any deeds or patents? A No, sir.

Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken in support of your application, they may appear before the Commission at any of its appointments here in Mississippi this spring, including the one at Meridian, April 14th to May 1st, or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q How many children have you besides the three whose names you have given? A One, Hugh Bell.

Q What was his father's name? A Scott Bell.

Q Is he living? A I can't tell you.

Q How much Choctaw blood did Scott have? A Whole Choctaw.

Q Were you married to him under a license? A No, sir.

Q According to the Choctaw custom? A Yes, sir.

Q How long did you live together? A Little over a year.

Q Have you any other children? A No, sir.

Q Did you get a divorce when you quit? A No, sir.

Q You married again? A Yes, sir.

Q Did he marry again? A Yes, sir.

Q Did you ever have any other children by him? A No, sir.

Q You are sure that Scott was a full blood Choctaw? A Yes, sir.

Q Are you acquainted with his parents? A No, sir.

Q Have you any children dead who left children? A No, sir.

Q Have you any full brothers living? A No, sir.

Q Any full sisters? A No, sir.

Meely Tubbee, et al., 7.

- Q Have you any full brothers dead? A Yes sir.  
Q How many? A One.  
Q Did he leave any children? A Yes, sir.  
Q Are those children living? A Yes, sir.  
Q Where? A One of them's gone to Arkansas.  
Q What's his name? A Rob.  
Q Bob what? A Barcus, I reckon.  
Q Is that the name he goes by? A Yes, sir.  
Q When did he go to Arkansas? A Since Christmas.  
Q Where did he live when he was here? A He was living up yonder - near Laurel Hill.  
Q He has appeared before the Commission? A I can't tell you.  
Q What's the name of another one? A Sanders.  
Q That all? A Yes, sir.  
Q They are the children of your full brother? A Yes, sir.  
Q What was his name? A Hardy Barcus.  
Q Did you ever have any full sisters? A No, sir.  
Q What was the name of these Barcus boy's mother? A Liz.  
Q Was she a full blood Choctaw? A Yes, sir.  
Q Are any of your father's brothers or sisters living? A No, sir.  
Q Any of the children of any of his brothers or sisters living?  
A Yes, sir.  
Q How many? A I don't know how many there is of them.  
Q How many brothers has your father dead who left children? A I can't tell you.  
Q Did he have any brothers who left children? A I reckon so.  
Q How many brothers did he have? A Two besides him.  
Q Did both of them leave children? A Yes, sir.  
Q What was the name of the oldest one of his brothers? A I can't tell you that. One was named Tobe Jimmy.  
Q He was your father's full brother? A Yes, sir.  
Q Was he a full blood Choctaw? A I reckon so, I never seen him.  
Q What was the name of the other one of your father's brothers?  
A Jacoway.  
Q What other name? A I can't tell you.  
Q Name what children of this man, Tobe Jimmy, who are living?  
A One's named Willie, Frank, and Ike.  
Q Is that all of his children? A No, sir.  
Q What are the names of the others? A One Alice Bell, the wife of Silman Bell, the next one is Bettie Johnson, the wife of Sidney John.  
Q Is that all? A No, sir, there's another one.  
Q What's the name? A Phoebe.  
Q Is she married? A Yes, sir.  
Q Who did she marry? A She married Adam Jim.  
Q That's all the Tobes that are living? A Yes, sir.  
Q Are any of Jacoway's children living? A Yes, sir, two, one's name Charley and Jeff Davis.  
Q Live there in Leake County? A Yes, sir.  
Q Did your father ever have any sisters? A I can't tell you that.  
Q Those are the only brothers he had? A Yes, sir.  
Q You don't speak or understand the Choctaw language? A I can't understand all of it, but I can talk it.  
Q Can you understand everything they say? A Mighty near everything they say.  
Q Do your children speak and understand the Choctaw language? A A little of it, and speak some of it.  
Q Have you any half brothers? A One.

Meely Tubbee, et al., 8.

- Q What's his name? A John Waukin.  
Q Hiw mother and your mother was the same? A Yes, sir.  
Q What was John's father's name? A Waukin.  
Q Were you acquainted with him? A No, sir, he's been dead long time  
Q Was he a full blood Choctaw? A Yes, sir.

(This applicant claims to be possessed of one-half Choctaw blood. Her features, color of hair, and skin would indicate that she is possessed of fully as much Indian blood as is claimed by her. Her hair is black and perfectly straight; she has dark eyes, high cheek bones, and dark skin. She cannot carry on a conversation in the Choctaw language, but speaks a few scattering words, and understands practically all of the language. The same is true of her children. Her family associate entirely with the Choctaws, and their habits and customs are those of the full bloods.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 22nd day of February, 1902, at Franks, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 12th day of April, 1902.

*L. B. Mosley*  
Clerk U. S. Circuit Court,  
Southern District of Mississippi,

By *J. M. ...*

Deputy.

off

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

---o---

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

Meely Tubbee, et al.,	M.C.R. 4852
John Waukin, et al.,	M.C.R. 4851

---: 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 Meely Tubbee for herself and her three minor children, Winner,  
Annis and Dave Tubbee; and by Meely Tubbee for John Waukin and his  
minor child, Lillian Waukin, under the following provision of the  
act of Congress approved June 28, 1898 (30 Stats., 495):

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

It also appears that the principal applicant in M.C.R.

4852 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 Barous; that the minor applicants in M.C.R. 4852 claim said rights by reason of being descendants of Barous and Wesley Tubbee; that the principal applicant in M.C.R. 4851 claims said rights by reason of being a descendant of Waukin; and that the minor applicant in M.C.R. 4851 claims said rights by reason of being a descendant of the above named Waukin and Eliza Waukin. All of said ancestors are alleged to have been full-blood Choctaw Indians.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It 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 Barous, or Wesley Tubbee, or Waukin, or Eliza Waukin, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply

with the provisions of 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 Meely Tubbee, Winner Tubbee, Annis Tubbee Dave Tubbee, John Waukin and Lillian Waukin, as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Tams Barber*

Chairman.

*T. B. Needles*

Commissioner.

*C. R. Brockinridge*

Commissioner.

*W. L. Stearns*

Commissioner.

Muskogee, Indian Territory,

1894

K.C.A. 4852.

COPY.

Muskogee, Indian Territory, April 6, 1904.

Meely Tubbee,  
Fish Mississippi,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Meely Tubbee et al., including you and your children Winner Tubbee, Annis Tubbee and Dave Tubbee.

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

Respectfully,

(SIGNED)

*T. B. Medley*

Commissioner in Charge.

Registered.

M.C.R. 4852

COPY.

Muskogee, Indian Territory, April 6, 1904.

Mansfield, McMurray and Cornish,

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Meely Tubbee, et al.

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

Respectfully,

(SIGNED)

*T. B. Needles.*

Ino. M.C.R. 4852.

Commissioner in Charge.



COPY.

Muskogee, Indian Territory, April 22, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of Meely Tubbee et al., applicants to the Commission for identification as Mississippi Choctaws.

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

Meely Tubbee et al, M.C.R. 4852  
John Waukin et al, M:C.R. 4851.

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)

Through the  
Commissioner of Indian Affairs.

2 Enc. MCR 4852.

MCR 4852

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFIARS

WASHINGTON August 2, 1904.

Land.

28265-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward herewith, for Departmental action, a report of the Commission to the Five Civilized Tribes, dated April 22, 1904, transmitting therewith, the record in the consolidated cases of Meely Tubbee et al., M.C.R. 4852 and John Waukin et al., M.C.R., 4851, applicants to the Commission for identification as Mississippi Choctaw Indians, including the decision of the Commission of March 15, 1904, denying said applications.

Applicants Meely Tubbee for herself and her three minor children, Winner, Annis and Dave Tubbee, claim rights in the Choctaw lands under Article 14 of the Treaty between the United States and the Choctaw Nation, concluded September 27, 1830, by reason of being a descendant of one Barous, an alleged full-blood Choctaw Indian and the father of principal applicant, Meely Tubbee and the applicant John Waukin and his minor child, Lillian Waukin, represented herein by Meely Tubbee, claim said rights by reason of being descendants of one Waukin, an alleged full-blood Choctaw Indian and the father of John Waukin.

2--

It appears from the evidence submitted and from the records before the Commission, that none of said applicants have 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 (39 Stat., 321).

A careful examination of the records of this office fails to disclose the name of Barcus or the name of Waukin (the ancestors through whom applicants claim), as among the names of those Choctaw Indians who complied or attempted to comply with the provisions of Article 14 of the Treaty of 1830 or received land thereunder, or scrip under subsequent legislation, relative thereto, and therefore applicants herein are not entitled to identification as Mississippi Choctaws.

I recommend that the decision of the Commission of March 15, 1904, refusing to identify Meely Tubbee, Winner Tubbee, Annis Tubbee, Dave Tubbee, John Waukin and Lillian Waukin, as Mississippi Choctaw Indians, be affirmed.

Very Respectfully,

(signed) A. C. Tonner.

Acting Commissioner.

G.R.

L.

J.W.H.

DEPARTMENT OF THE INTERIOR

RJH

D.C. 44354-1904. WASHINGTON November 16, 1904.

I.T.D. 6242  
& 8162-1904.

LRW.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department is in receipt of your report of April 22, 1904, transmitting the record in the matter of the application of Neely Tubbee, M.C.R. 4852, et al., for identification as Mississippi Choctaws. In your decision of March 15, 1904, you find that the testimony is not sufficient to identify these applicants as Mississippi Choctaws.

Reporting in the matter August 2, 1904, the Acting Commissioner of Indian Affairs recommended that your action be approved. A copy of his letter is enclosed. In an additional report rendered by him September 26, 1904, he furnished information relative to certain persons whose names were similar to those of the alleged ancestors of these applicants. The Acting Commissioner, in his second report, makes no further recommendation in the matter.

2---

Although the testimony clearly shows that certain of these applicants are half-blood Choctaws, and others three-quarter-blood Choctaws, still it is insufficient, in the opinion of the Department, to establish that they are the descendants of persons who complied, or attempted to comply, with article 14 of the treaty of September 27, 1830. Therefore your decision is affirmed.

Respectfully,

1 inclosure.

Thos. Ryan,  
Acting Secretary.

M.C.R. 4852

COPY.

Muskogee, Indian Territory, November 30, 1904.

Meely Tubbee,

Fish, Mississippi,

Dear Sir:

You are hereby notified that on the 16th day of November, 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 Meely Tubbee et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,  
(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

M.C.R. 4852

COPY.

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 on the 16th day of November, 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 McElly Tubbee et al., of which decision you were advised by mail on the 6th day of April, 1904.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

1897

No. 4852

For Identification as a Mississippi Choctaw.

Grand's Miss.

FEB 22 1900

Date

Name Meely Tubbee

Age 40 Blood 1/2

Post Office, Fish, Miss.

Father: Barcus. d

Mother: Ann Howard (w) L

Claims through father.

(Claims for self and 3 children)

Children:

Winner Tubbee (3/4) (F) 14

Annis " (3/4) (M) 11

Dave " (3/4) (M) 7

Father Sim Tubbee (full) L

Father of Sim Tubbee = Waddy Tubbee

Stenographer

R. S. Street



Choctaw MCR 4853

Davis Hickman

MCR 4853

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

-----oOo-----

In the matter of the application of Davis Hickman  
for identification as a Miss-  
issippi Choctaw,  
M C R 4853.

--o--

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

-----oOo-----

In the matter of the application of Davis Hickman for  
identification as a Mississippi Choctaw, M C R 4853.

--o--

---: I N D E X :---

--o--

	Page
Original application of Davis Hickman for identification as a Mississippi Choctaw,-----	1
Decision of the Commission identifying the above applicant,-----	6

-o-

4853

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Franks, Mississippi, February 24th, 1902.

In the matter of the application of Davis Hickman for the identification of himself alone as a Mississippi Choctaw.

Said Davis Hickman, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Davis Hickman.  
Q How old are you? A I don't know.  
Q About how old? A I think about forty-seven.  
Q How much Choctaw blood have you? A Full blood.  
Q What's your postoffice address? A Franks.  
Q Neshoba County, Mississippi? A Yes sir.  
Q How long have you lived in Neshoba County? A Been raised here.  
Q Lived here all your life? A Yes sir.  
Q Is your father living? A No sir, he died when I was little.  
Q What was his name? A Hickman.  
Q Is that all the name he had? A Yes sir.  
Q Did he have a Choctaw name? A No sir.  
Q Was he a full blood Choctaw? A Yes sir.  
Q Did he live here in Neshoba County all his life? A Yes sir.  
Q Do you know the name of his father? A No sir.  
Q Or his mother? A No sir.  
Q Is your mother living? A No sir, died both same time, I think when I was real little.  
Q What was your mother's name? A I don't know.  
Q Was she a full blood? A Yes sir.  
Q Do you know the name of any one of your mother's ancestors-or forefathers? A No sir.  
Q So far as you know, all of your people have always lived here in Mississippi, have they? A Yes sir.  
Q Are you married? A Yes sir.  
Q Is your wife living? A My wife dead-I aint married now.  
Q Have you any children living? A Yes sir.  
Q How many? A Four.  
Q How old is the oldest one? A Thirteen years old.  
Q Do these children live with you now? A No sir.  
Q With whom do they live? A They live with their grandma.  
Q What's her name? A Louisa Philip.  
Q Your wife's mother? A Yes sir.  
Q Louisa has given in the names of these children heretofore, hasn't she? A I hear that she has but I want their application considered in connection with this application that I make at this time.  
Q Do you support these children? A Yes sir.  
Q How long have they been living with their grandmother? A Been there over a year.  
Q What are the names of these four children? A Cornelia.  
Q Next one? A Ozie.  
Q Next? A Maben.  
Q Next one? A Klin.

Davis Hickman--2

The records of the Commission show that on the 9th day of January, 1902, Louisa Philip appeared before the Commission at Edinburg, Mississippi, and made application for the identification of herself and two minor children Dave and Nasey Philip, and her four minor grandchildren, Cornelia, Ozie, Maben and Elin Hickman, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No. R-4503.

- ✓ Q This application, then, is for yourself only, is it? A Yes.
- Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No.
- Q Has any application of any kind ever been made for you before today for the purpose of establishing your rights as a Choctaw Indian? A No sir.
- Q This is the first application that has ever been made for you, is it? A Yes.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the 14th article of the treaty of Dancing Rabbit Creek? A Yes.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time the treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be 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 land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that 14th article?

A No sir, If they did I don't know it.

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

Q Did any of them, in fact, live here at that time? A I don't know.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A If they did I don't know it--one of my brothers went to the Territory since then.

Q Is your brother there now? A Yes.

Q What's his name? A Cornelius Hickman.

Q When did he go out there? A Along about eight years.

Q Has he been admitted to citizenship out there, do you know? A I don't know if he has.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever get any land here in Mississippi from the Government of the United States under any provision in this treaty, to your knowledge? A I don't know.

Q Did any of them ever get any money from the Government? A Never heard about that.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its ~~public~~ public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint

among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the Treaty of Dancing Rabbit Creek? A I don't know about that.

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

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A I don't know, never see any.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A I don't know.

Q Did you ever hear of or see any deed or patent issued to any of your ancestors covering land here in Mississippi received from the Government? A No -never see or heard of it.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of any one.

Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No.

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

Q Have you any witnesses here today? A No sir.

Q Have you any brothers living? A Just one.

Q Cornelius Hickman who lives in Indian Territory? A Yes sir.

Q What's his postoffice address out there? A I don't know.

Q Have you any sisters living? A No sir.

Q Have you any brothers or sisters dead who left children? A No.

Q Are any of your father's brothers or sisters or any of their children living? A No.

Davis Hickman--5

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of our appointments here in Mississippi this Winter or Spring, at Meridian, Mississippi, between the 14th and 30th of April next, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

This applicant is to all appearances a full blood Indian. He speaks and understands the Choctaw language and some English, the examination having been conducted partially through the aid of a sworn Choctaw Interpreter.

-----

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 Franks, Mississippi, February 24th, 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.

*Ira S. Niles*

Subscribed and sworn to before me this the 18th day of March, 1902, at Seale, Mississippi.

*L. D. Moseley*  
Clerk U. S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]*

Deputy.



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

-----cOo-----

(232)  
In the matter of the application of Davis Hickman for identification as a Mississippi Choctaw, M C R 4853.

----: 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 February 24, 1902, by Davis Hickman, 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.


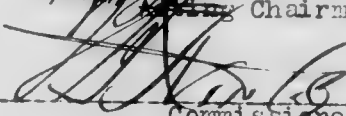
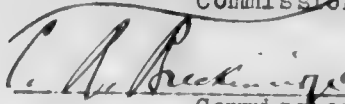
Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"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 Davis Hickman should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE ~~THE~~ CIVILIZED TRIBES.

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

Muskogee, Indian Territory,  
APR 2, 1903

OPY.

M.C.R. 4853

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for the Chectaw 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 Davis Hickman as a Mississippi Choctaw 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 Davis Hickman as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

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

Respectfully,

(SIGNED).

*Tamc Dixby.*

Chairman.

Registered.  
Enclosure 4853.

COPY.

M C R 4853.

Muskogee, Indian Territory, May 5, 1903.

Davis Hickman,

Franks, 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 1, 1902 (32 Stat., 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, <sup>(SIGNED)</sup>

*Tams Bixby.*

Chairman.

Registered.

Enc. 4853.

1841

No. 4253

For Identification as a Mississippi Choctaw.

Franks Miss.

Date FEB 24 1902

Name Davis Hickman

Age 47 Blood full

Post Office, Franks, Miss.

Father: Hickman d

Mother: dont know d

Claims through both parents.

Claims for self only.

Children:

Stenographer

J. Schiles

Choctaw MCR 4854

Johnson Moses

MCR 4854

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
M. C. R. 4854.

-----

In the Matter of the Application of Johnson Moses for  
Identification as a Mississippi Choctaw.

M. C. R. 4854.

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

In the Matter of the Application of Johnson Moses for  
Identification as a Mississippi Choctaw.

M. C. R. 4854.

- - I N D E X . - -

Original application of Johnson Moses for identification as a Mississippi Choctaw -----	1
Decision of the Commission identifying said applicant -----	6



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Franks, Mississippi, February 24th, 1902.

In the matter of the application of Johnson Moses for the identification of himself alone as a Mississippi Choctaw.

Said Johnson Moses, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Johnson Moses.  
Q How old are you? A Twenty.  
Q How much Choctaw blood have you? A Full blood.  
Q What's your postoffice address? A Fish P.O.  
Q Neshoba County, Mississippi? A Yes.  
Q How long have you lived here in Neshoba? A I was born in Leake County and was very small when I came to Neshoba and been here ever since.  
Q Is your father living? A No sir.  
Q What was his name? A Lewis Moses.  
Q Was your father a full blood Choctaw? A Yes.  
Q How long has he been dead? A I don't remember when he died.  
Q Do you know how old he would be if he were living now? A No.  
Q Is his father living? A No.  
Q Is his mother living? A I think she's living but I haven't saw her in some time.  
Q What was the name of your father's father? A I don't know.  
Q What's the name of your father's mother? A Sallie Campbell.  
Q Where does she live? A Thomastown.  
Q Has sallie a Choctaw name, do you know? A I don't know.  
Q Do you know her father's name or her mother's name? A I don't know.  
Q Is your mother living? A My mother told me to try to get me not to come this morning and she told me not to tell her name here and I won't tell my mother's name here.  
Q Is your mother's name Lisby Ivey and isn't she the wife of Mike Ivy--is that right? A Yes.  
Q Your mother is a full blood Choctaw, isn't she? A Yes sir.  
Q And your father was? A Yes.  
Q Do you know the name of your mother's father or of her mother?  
A No sir.  
Q Are you married? A No.  
Q This application, then, is for yourself only, is it? A Yes.  
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No.  
Q Has any application of any description ever been made before today for the purpose of establishing your rights as a Choctaw Indian? 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 14th article of the treaty of Dancing Rabbit Creek? A Yes.  
Q Do you understand that 14th article? A No.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time the treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to ~~an~~ a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be 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 land, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek now? A Yes.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No.

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

Q Did any of them live here at that time? A I don't know.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land?

Johnson Moses--3

A I don't know.

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

Q Did any of them ever get any land from the Government under any other provision of that treaty? A I don't know.

Q Did any of them ever get any money from the Government? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases.

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

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be ~~given~~ given a certificate to that effect. These certificates were called scrip.

Johnson Moses--4

- Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A I don't know.
- Q Did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A I don't know.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of any.
- Q Have you any witnesses here today? A No.
- Q Are there any further statements of any description you would like to make at this time? A No.
- Q Have you any written evidence of any kind to offer? A No.
- Q Have you any sisters living? A Yes.
- Q How many? A Four.
- Q What are their names? A Pauline York.
- Q Where does she live? A Thomastown, Leake County.
- Q Next one? A Lela Moses.
- Q Next one? A Eula.
- Q Next one? A Sallie.
- Q Next one? A Susan.
- Q Is that all of them? A Yes.
- Q ~~Is Lela married?~~ A No.
- Q Is Lela married? A No.
- Q Where does she live? A Thomastown.
- Q With whom does she live? A Lives with my sister Pauline and my grandmother Sallie Campbell.
- Q How many brothers have you living? A One--Eastman Moses--he also lives with my sister Pauline.
- Q Have you any brothers or sisters dead who left children? A No.
- Q Are any of your father's brothers living? A Yes, Ike Moses.
- Q Where does he live? A Trapp.
- Q Has your father any other brothers living? A Jack Campbell, he's my father's half brother.
- Q By the same mother as your father had? A Yes.
- Q Has your father any sisters or half sisters living? A None living.
- Q Has your father any sisters or half sisters dead who left children? A Yes.
- Q How many? A One sister dead.
- Q What's her name? A Sophia Wesley--wife of Doctor Wesler.
- Q How many of her children are living now? A I don't know how many children but there are some children.
- Q Do you know their names? A No.
- Q Has your father any brothers or half brothers dead who left children? A No.
- Q Has your mother any brothers or sisters living? A No.
- Q Has she any brothers or sisters dead who left children? A No.

4

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of our appointments here in Mississippi this Winter or Spring, at Meridian, Mississippi, between April 14th and April 30th next or within a reasonable time thereafter at the general office of the Commission

Johnson Moses--5

in Muskogee, Indian Territory, and their testimony will be taken.

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

-----

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 Franks, Mississippi, February 24th, 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.

*Ira S. Niles*

Subscribed and sworn to before me this the 18th day of March, 1902, at Seale, Mississippi.

*L. B. Mosley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]*

Deputy.

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

*Cow*  
In the Matter of the Application of Johnson Moses for  
Identification as a Mississippi Choctaw.

M. C. R. 4854.

- - 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 February 24, 1902, by Johnson Moses, 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.

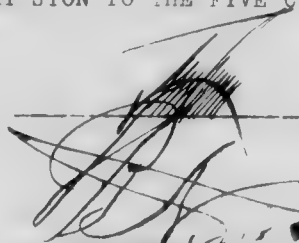
Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

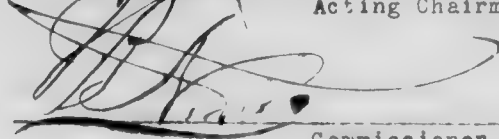
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants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

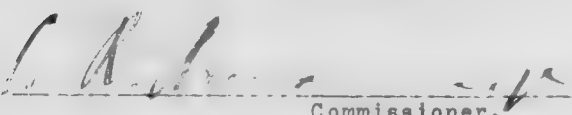
Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight,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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
-----  
Acting Chairman.

  
-----  
Commissioner.

  
-----  
Commissioner.

Muskogee, Indian Territory.

FEB 14 1903

COPY.

M.C.R. 4854

Muskogee, Indian Territory, February 21, 1903.

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Johnson Moses 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 Johnson Moses as a Mississippi Choctaw and make satisfactory proof of service of said protest upon the applicant herein.

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

Respectfully,

(SIGNED) *Tams Dixby.*

Registered.  
Enc. I.B.S. 6.

Acting Chairman.



Muskogee, Indian Territory, March 11, 1903.

Johnson Moses,

Fish, Mississippi.

Dear Sir:

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

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

Respectfully,

*James Dixey*

Chairman.

Registered.

Enc. 4854.

#1850

No. 4854

For Identification as a Mississippi Choctaw.  
*Franks, Miss.*

Date FEB 24 1902

Name *Johnson Moses*

Age *20* Blood *full blood*

Post Office, *Fish, Miss.*

Father: *Lewis Moses* *d*

Mother: *Libby Ivory* *L*

Claims through *both parents*

*Claim or self only.*

Children: -

*Father's mother ~~Lucie~~ Camel ~~d.~~*

Stenographer

*J. S. Niles*

Tomson Moses.

1741

1742

1743

Choctaw MCR 4855

Will · Jimmy

MCR 4855

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

---

In the Matter of the Application of Will Jimmy et al.,  
for Identification as Mississippi Choctaws.

M. C. R. 4855.

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

In the Matter of the Application of Will Jimmy et al.,  
for Identification as Mississippi Choctaws.

M. C. R. 4855.

- - I N D E X . - -

Original application of Will Jimmy et al' for identification as Mississippi Choctaws -----	1
Decision of the Commission identifying above named applicants	7.

4855  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Franks, Mississippi, February 24th, 1902.

In the matter of the application of Will Jimmy for the identification of himself, his wife Viola and daughter Mabel as Mississippi Choctaws.

Said Will Jimmy, being first duly sworn, testified as follows:

[Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Will Jimmy.  
Q How old are you? A About twenty-five.  
Q How much Choctaw blood have you? A Full blood.  
Q What's your postoffice address? A Franks, Mississippi.  
Q How long have you lived in Neshoba County, Mississippi? A I been living here all my life.  
Q Is your father living? A No sir.  
Q What was his name? A Tobe Jimmy.  
Q Is your mother living? A Yes sir.  
Q What's her name? A Louisa Philip.  
Q She has been before the Commission, has she? A Yes sir.  
Q Was your father a full blood Choctaw? A Yes sir.  
Q Is your mother? A Yes sir.  
Q Did your father have a Choctaw name? A I don't know about that.  
Q Has your mother? A No sir.  
Q Do you know the name of your father's father? A I-an-ata Jimmy.  
Q Do you know the name of your father's mother? A No sir, I don't know.  
Q Did you ever see Ianata Jimmy? A No sir.  
Q Was he a full blood? A Yes sir.  
Q Did he live in this State all his life? A I don't know.  
Q Did your father live in this State all his life? A Yes sir.  
Q Has your mother lived here all her life? A Yes sir.  
Q Do you know the name of your mother's father? A No sir.  
Q Or her mother? A Mary, I believe, was her mother.  
Q What other name did she have? A I don't know.  
Q You have given us the names of all of your ancestors whose names you know-have you? A Yes sir, that's all.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q What's her name? A Viola.  
Q Do you want to make application for her too? A Yes sir.  
Q How old is she? A Twenty three.  
Q How much Choctaw blood has she? A She's full blood.  
Q Were you married to Viola under a license or according to Choctaw custom? A Choctaw custom.  
Q How long have you been married? A Been married little over four years.  
Q Were you ever married before you married her? A No sir.  
Q Was she married before she married you? A No sir.  
Q Has Viola lived in this State all her life? A Yes sir.  
Q Is her father living? A Yes sir.  
Q What's his name? A Madison Ben.  
Q He has been before the Commission hasn't he? A Yes sir.  
Q Is he a full blood? A Yes sir. |

Will Jimmy et al--2

- Q Is Viola's mother living? A No sir.  
Q What was her name? A Eliza.  
Q Was she a full blood? A Yes sir.  
Q Do you know the name of any one of Viola's grandparents? A No sir, I don't believe I know them.  
Q Has Madison Ben lived in this State all his life? A Yes sir.  
Q And his wife lived here all her life-Eliza? A Yes sir.  
Q So far as you know, then, all of your ancestors and all of your wife's ancestors have lived here in this State all of their lives?  
A Yes sir.  
Q All of them have been full blood Choctaws, so far as you know?  
A Yes sir.  
Q Have you any children living? A Yes sir.  
Q How many? A One.  
Q What's that child's name? A Mabel.  
Q Is she living with you now? A Yes sir.  
Q How old is Mabel? A Little over two years old.  
Q When was she born? A November 13th, '99.  
Q Is she the child of yourself and Viola? A Yes sir.  
Q This application, then, is for yourself, your wife and one minor child? A Yes sir.  
Q Is your name or your wife's name to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know.  
Q Has any application of any description ever been made for you or your wife before today for the purpose of establishing your rights as Choctaw Indians? A Yes sir.  
Q When? A At Philadelphia, Mississippi, three years ago.

The records of the Commission show that on the 31st day of January, 1899, application was made to the commission at Philadelphia, Mississippi, for the identification of this applicant and his wife Viola as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No. 214, also upon page 63 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Secretary of the Interior of March 10, 1899, being numbers 742 and 743 respectively thereon.

- Q Is this application made for you three years ago the only application of any description that has ever been made for you or your wife? A That's all.  
Q Are you sure that your wife's mother's name was Eliza? A Yes sir.  
Q Did you ever hear that it was Martha? A Yes sir, I did but I made a mistake then.  
Q You gave it in as Martha three years ago? A Yes sir, I made a mistake up there. I didn't know the name exactly then and when I got home my wife told me it was Eliza.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, wife and one minor child under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand that 14th article? A No sir, I don't understand it.



Q Will Jimmy et al--3

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians—that was over 71 years ago now. At the time the treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama, where they lived at that time, to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi and not move out to the new nation might receive land here in Mississippi from the Government. That 14th article is as follows:-

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

- Q Do you understand that 14th article now? A Yes sir.  
Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No sir, not that I know of.  
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made—71 years ago? A I don't know.  
Q Did any of them live here at that time? A I don't know.  
Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know about that.

Will Jimmy etal--4

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land?

A I don't know about that.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir, I don't know.

Q Or under any other provision of that treaty? A I don't know.

Q Did any of them ever get any money from the Government? A I don't know.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the Treaty of Dancing Rabbit Creek?

A I don't know.

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

Will Jimmy et al---5

- Q Did any of your ancestors or any of your wife's ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A I don't know, sir.
- Q So far as you know then, none of your ancestors and none of your wife's ancestors ever received any benefits whatever as Choctaw Indians? A No sir.
- Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence to offer at this time? A No sir.
- Q Any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any of our appointments here in Mississippi this Winter or Spring, at Meridian, Mississippi, between the 14th and 30th of April, next, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time?  
A No sir.
- Q Have you any brothers living? A Yes sir.
- Q How many? A Two full brothers and one half brother.
- Q What are your full brothers' names? A Ike and Silas Jimmy.
- Q What's your half brother's name? A Dave Philip.
- Q Have you any sisters living? A Yes sir.
- Q How many? A I've got three living and one half sister.
- Q What's the name of your half sister? A ~~Mary Philip~~ Mary Philip.
- Q What are the names of your full sisters living? A Bettie John, the wife of Sidney John.
- Q Next one? A Alice Bell, the wife of Silman Bell, and Phebe Jim, the wife of Adam Jim.
- Q Has your wife any brothers living? A Yes sir.
- Q How many? A She's got two brothers.
- Q Full brothers? A Yes sir.
- Q What are their names? Watt Ben and Jesse Ben.
- Q Has she any half brothers living? A Yes sir, she's got two I think living.
- Q What are their names? A Charley.
- Q Next one? A Olan.
- Q Has your wife any sisters living? A Yes sir.
- Q How many? A Two.
- Q What are their names? A Amy Willis.
- Q Is she married? A Yes sir.
- Q What's her husband's name? A Yarba Willis.
- Q Next one? A Ida Ben.
- Q Is she married? A No sir.

Will Jimmy-et al--6

- Q Are any of your father's brothers living? A No sir.  
Q Did he ever have any brothers? A Yes sir, he had two brothers but I don't know their names.  
Q Did he ever have any sisters? A I think he had one sister but I don't recollect her at all.  
Q How many brothers has your wife's father living? A One full brother, Peter Ben, and a half brother Ellis Sam.  
Q How many sisters has your wife's father living? A One half sister and one whole sister.  
Q What's the full sister's name? A Sealy York, wife of Scott York, and the other is Martha Jack.

This applicant has the appearance of being a full blood Indian--speaks and understands the Choctaw language and also speaks and understands English fairly well, the examination having conducted almost entirely in English.

-----

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 Franks, Mississippi, February 24th, 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.

*Ira S. Niles*  
Subscribed and sworn to before me this the 19th day of March, 1902,  
at Seale, Mississippi.

*L. B. Massey*  
Clerk U. S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]*

Deputy.

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

*Cow*

-----  
In the Matter of the Application of Will Jimmy et al., for  
Identification as Mississippi Choctaws.

M. C. R. 4855.

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

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on February 24, 1902, by Will Jimmy, for himself, his wife Viola Jimmy, and his minor child Mabel Jimmy, 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 applicants are full-blood Mississippi Choctaw Indians.

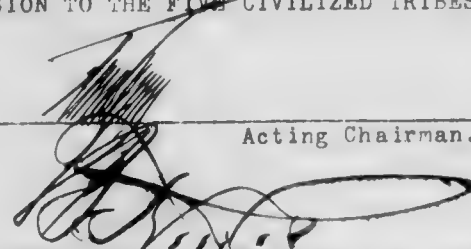
Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902 (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

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

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

It is, therefore, the opinion of this Commission that Will Jimmy, Viola Jimmy and Mabel Jimmy should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory.

FEB 14 1903

COPY.

M.C.R. 4855

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Will Jimmy, his wife, Viola Jimmy and minor child, Mabel Jimmy, as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

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

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

Respectfully,

(SIGNED) *James Dixby.*

Acting Chairman.

Registered.  
Enc. I.B.S.7

copy

M.C.R. 485.

Muskogee, Indian Territory, March 11, 1903.

Will Jimmy,

Franks, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Viola Jimmy and your minor child, Mabel Jimmy, as Mississippi Choctaw Indians under the provisions of section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

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

Respectfully,

(SIGNED)

*J. George Hill*  
Chairman.

Registered.

Enc. M.C.R. 4855



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

20

IN RE  
*Identification*  
Application for ~~Registration~~ of

INFANT CHILD

*Mabel Jimmy.*

MISSISSIPPI CHOCTAW:

Approved

190

*[Signature]*  
Commissioner.

*See Miss Choctaw Card File No 214.*

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

DOMME

*me #214*

*4855*

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

FILED  
FEB 24 1902

*[Signature]*  
ACTING CHAIRMAN.

See Miss Choctaw Card Filed No 214

BIRTH AFFIDAVIT.

20

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

IN RE Application for <sup>Identification</sup> ~~Registration~~, as a citizen of the \_\_\_\_\_ Nation,  
of Mabel Jimmy, born on the 13 day of November, 1899.  
Name of Father: Will Jimmy, a citizen of the MISSISSIPPI CHOCTAW Nation.  
Name of Mother: Viola Jimmy, a citizen of the \_\_\_\_\_ Nation.  
Post-office, Frank's, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, |  
~~INDIAN TERRITORY,~~ |  
State of Mississippi District. |  
County of Neshoba |  
I, Viola Jimmy, on oath state that I am 23  
years of age and a citizen of the Full Blood Choctaw Indian Nation;  
that I am the lawful wife of Will Jimmy, who is a citizen of the  
Full Blood Choctaw Indian Nation, that a female child was  
(male or female)  
born to me on the 13 day of November, 1899; that said child has been  
named Mabel Jimmy, and is now living.  
WITNESSES TO MARK Viola Jimmy  
(Must be Two) Buy L. Emerson  
Witnesses L. S. Nicks

Subscribed and sworn to before me this 24 day of February, 1902.  
L. B. Mosely, Clerk  
U. S. Circuit Court, So Dist of Mississippi  
By W. M. S. C.  
AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE, ETC.

UNITED STATES OF AMERICA, |  
~~INDIAN TERRITORY,~~ |  
State of Mississippi District. |  
County of Neshoba |  
I, Will Jimmy, a \_\_\_\_\_, on oath state that I  
attended on Mrs Viola Jimmy my wife \_\_\_\_\_  
on the 13 day of November, 1899; that there was born to her on  
said date a female child; that said child is now living and ~~is~~ has been  
named Mabel Jimmy.  
WITNESSES TO MARK Will Jimmy  
(Must be Two) L. S. Nicks  
Witnesses

Subscribed and sworn to before me this 24 day of February, 1902.  
L. B. Mosely, Clerk  
U. S. Circuit Court, So Dist of Mississippi  
By W. M. S. C.

# 1951

No. 2255

For Identification as a Mississippi Choctaw.

Franks, Miss Date FEB 21 1902

Name Will Jimmy

Age 25 Blood Full

Post Office, Franks, Miss.

Father: Tobe Jimmy d

Mother: Louisa Philip d

Claims through both parents.

wife Viola Jimmy (full) 23

Father Madison Ben " d

mother Elyza " d

Claims of wife...

Children:

Mabel Jimmy 2

I do hereby certify...

Father's father...

Stenographer

J. S. Niles

With Jimmy, et al.

Choctaw MCR 4856

Dixon Isaac

MCR 4856

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

-----  
In the Matter of the Application of Dixon Isaac et al.,  
for identification as Mississippi Choctaws.

M. C. R. 4856.

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

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

M. C. R. 4856.

Original application of Dixon Isaac et al for identification of Mississippi Choctaws -----	1
Decision of the Commission identifying above applicants ----	6

4856

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Franks, Mississippi, February 24th, 1902.

In the matter of the application of Dixon Isaac for the identification of himself, his wife Lucy and four minor children, Ollie, Rifey, Fannie and Bert, as Mississippi, Choctaws.

Said Dixon Isaac, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Dixon Isaac.
- Q How old are you? A About fifty.
- ✓ Q How much Choctaw blood have you? A Full blood.
- Q What's your postoffice address? A Trapp.
- Q How long have you lived in Neshoba County? A I was born and raised in Leake County up to four or five years ago and then came to Neshoba and been in Neshoba ever since.
- ✓ Q Is your father living? A Yes sir.
- ✓ Q What's his name? A Jim Isaac.
- Q Has he a Choctaw name? A Yes sir.
- Q What is it? A Tinchá.
- ✓ Q Is your mother living? A Yes sir.
- ✓ Q What's her name? A Mary.
- Q Jim has been before the Commission this year has he not? A Yes.
- ✓ Q Are your father and mother both full blood Choctaws? A Yes sir.
- Q Do you know the names of Jim's father and mother? A No sir.
- Q Do you know the names of your mother's father and mother? A No sir.
- Q You don't know the names of any of your ancestors further back than your own parents, then? A No sir.
- Q Are you married? A Yes.
- ✓ Q What's your wife's name? A Lucy.
- Q Are you living with her at this time? A Yes sir.
- Q Were you married to her under a license or according to the Choctaw custom? A Choctaw custom.
- Q How long have you been living with Lucy? A About twenty years.
- Q Were you married before you married her? A Yes.
- Q What was your first wife's name? A Margaret.
- Q Is she dead? A Yes.
- Q She died before you married Lucy, did she? A Yes.
- Q Did you have any children by your first wife? A Yes.
- Q Are any of them living? A Two of them living.
- Q What are their names? A Louisa.
- Q Is she married? A Yes.
- Q What's her husband's name? A Gus Willis.
- Q Where do they live? A They was married and they parted--they aint living together.
- Q Where does Louisa live now? A With her aunt.
- Q What's her name? A Betsy Tuffama.
- Q Have they been before the Commission? A I think not.
- Q Was your first wife a full blood Choctaw? A Yes.
- Q What's the name of your other child by her? A Her other child is named Malissa. Her mother died when she was born and give her to her uncle.
- Q What was that child's name? A Malissa. |



- Q Is she married? A No sir.
- Q Who was the uncle? A Billy Rush-he's dead now but she lives with his ~~sister~~ wife.
- Q What's her name? A Eli za Rush.
- Q Do you want to make application for your wife Lucy at this time? A Yes sir.
- Q Is she a full blood Choctaw? A Yes sir.
- Q How old is she? A About forty-eight.
- Q Has she always lived here in Mississippi? A Yes.
- Q Is her father living? A No.
- Q What was his name? A Billy.
- Q What other name did he have? A Billy Ste-ah-tubbee.
- Q Was he a full blood Choctaw? A Yes.
- Q Did he live in this State all his life? A Yes.
- Q Do you know the name of his father or his mother? A No.
- Q How old would Billy be if he were living now? A He was about ninety years old when he died and he been dead abot six or seven years.
- Q Is your wife's mother living? A Dead.
- Q What was her name? A Mary.
- Q Was she a full blood Choctaw? A Yes.
- Q How long has she been dead? A About five years.
- Q Did she have a Choctaw name? A I don't know.
- Q Do you know the name of either one of her parents? A No.
- Q Have all of your wife's people lived here in the State of Mississippi all their lives, so far as you know? A Yes, I reckon they did.
- Q Have you any children whp are under age and unmarried for whom you want to make application? A Yes sir.
- Q How many? A Four.
- Q What are their names and ages, the oldest first? A Ollie, a girl, eighteen.
- Q Next one? A Rifey.
- Q Girl? A Yes.
- Q How old? A About twelve.
- Q Next one? A Ten.
- Q What's the name? A ~~Rerix~~ Fannie.
- Q Next one? A Eight.
- Q What's the name? A Bert.
- Q A boy? A Yes.
- Q Is that all your children Under age? A Yes.
- Q This application, then, is for yourself, wife, and four minor children, is that right? A Yes.
- Q Is your name, your wife's name or the name of anyone of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No.
- Q Has any application of any kind ever been made before today for you or your wife or any of these children for the purpose of establishing your rights as Choctaw Indians? A Yes, at Philadelphia, about three years ago.

The records of the Commission show that on the 31st day of January, 1899, application was made at Philadelphia, Mississippi, for the identification of this applicant, his wife Lucy and minor children, Ollie, Rifey, Fannie and Bert, as Mississippi Choctaws their names appearing upon Mississippi

Choctaw card Field No.231,also upon page 65 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10,1899,being numbers 791,792, 793,794,795 and 796,respectivwly,thereon.

Q Is this application made for you three years ago at Philadelphia the only application of any kind that has ever been made for you, your wife or any of these children? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself,wife and four children under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

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

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September,1830,between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made ~~the~~ some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be 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 land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Dixon Isaac et al--4

- Q Do you understand that 14th article now? A Yes.
- Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with its provisions or ever receive any benefits thereunder? A I don't know.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.
- Q Did any of them, in fact, live here at that time? A I don't know.
- Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A I don't know.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know about that.
- Q Did any of them ever get any land under any other provision of that treaty? A I don't know.
- Q Did any of them ever get any money from the Government? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land. On this account, the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of this 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the president of the united States and they came down here to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors or any of your wife's ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek?  
A I don't know.

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

Q Did any of your ancestors or any of your wife's ancestors ever get any of this scrip from the Government under this act of Congress?  
A No.

Q So far as you know, then, none of your ancestors and none of your wife's ancestors ever received any benefits whatever as Choctaw Indians? A No.

Q Do you know of any old persons living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of any one.

Q Do you know of any written evidence which would prove or tend to prove such a State of facts? A I don't know.

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

Q Any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us at any one of our appointments here in Mississippi this Winter or Spring, at Meridian, Mississippi, between April 14th and April 30th, next, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

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

Q Have you any brothers living? A Yes.

Q How many? A Three.

Q What are their names? A Wilson Jim Isaac, Steve Jim and Adam Jim.

Q Has your wife any brothers or sisters living? A Just one brother living.

Q What's his name? A Ben Billy, or Ben Ste-ah-tubbee.

Q Where does he live? A I think it's Worth Postoffice.

Q What's Billy's wife's name? A Joissie.

Q How many children has he? A Two.

Q What are their names? A Maria.

Q About how old is Maria? A About six.

Q What's the next one? A The other one is just a baby--it isn't a year old yet. I don't know the name.

Q Has your wife any brothers or sisters dead who left children?

A Yes, one dead.

Q Did that one leave children? A Yes sir, one child living.

Dixon Isaac et al--6

- Q What's that child's name? A ~~May Arline~~ May Alice.  
Q Where does she live? A She lives with Findley Jim.  
Q Are any of your wife's father's brothers or sisters or any of their children living? A No.  
Q Are any of your wife's mother's brothers or sisters or any of their children living? A No.

This applicant has the appearance of being a full blood Indian--speaks and understands the Choctaw language and some English, the examination having been conducted almost entirely through a sworn Choctaw Interpreter.

-----

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 Franks, Mississippi, February 24th, 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.

*Ira S. Niles*

Subscribed and sworn to before me this the 20th day of March, 1902, at Seale, Mississippi.

*L. B. Mosley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]*

Deputy.

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

*Over*

-----  
In the matter of the Application of Dixon Isaac et al.,  
for Identification as Mississippi Choctaws.

M. C. R. 4856.

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

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on February 24, 1902, by Dixon Isaac, for himself, his wife Lucy Isaac, and his four minor children Ollie, Rifey, Fannie and Bert Isaac, under the following provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495):

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

From the evidence submitted in support of said application it appears that the applicants are full-blood Mississippi Choctaw Indians.

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

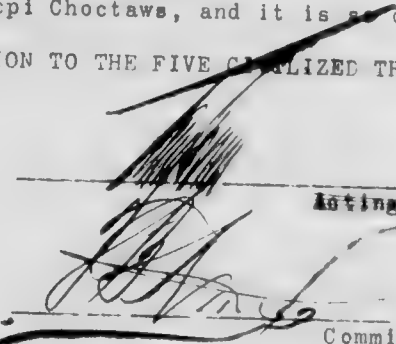
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants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

6

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 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 Dixon Isaac, Lucy Isaac, Ollie Isaac, Rifey Isaac, Fannie Isaac and Bert Isaac should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

Commissioner.

  
C. R. Beckwith  
Commissioner.

Muskogee, Indian Territory.

APR 17 1905





COPY.

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 17, 1903, identifying Dixon Isaac, his wife, Lucy Isaac, and his children, Ollie Isaac, Rife Isaac, Fannie Isaac and Bert Isaac, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

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

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

Respectfully  
(SIGNED), *Tams Bixby.*  
Chairman.

Registered.  
No.: 4856.



COPY.

M.C.R. 4856

Muskogee, Indian Territory, May 4, 1903.

Dixon Isaac,

Trapp, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying yourself, your wife, Lucy Isaac, and four minor children, Ollie Isaac, Rifey Isaac, Fannie Isaac and Bert Isaac as Mississippi Choctaw Indians under the provisions of section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 17, 1903, you will have six months from that date, or until April 17, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully SIGNED

*James Bixby.*  
Chairman.

Registered.

Enc. 4856.

COPY.

M.C.R. 4856

Muskogee, Indian Territory, May 4, 1903.

Dixon Isaac,

Trapp, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying yourself, your wife, Lucy Isaac and your minor children, Ollie Isaac, Rifey Isaac, Fannie Isaac and Bert Isaac as Mississippi Choctaw Indians under the provisions of the section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before November 4, 1903, you will have six months from that date, or until May 4, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*James D. Dick*  
Chairman.

Registered.

Enc. 4856

For Identification as a Mississippi Choctaw.

Grants, Miss

Date FEB 24 1902

Name Dixon Isaac

Age 50 Blood full

Post Office, Trapp, Miss

Father: Jim Isaac L  
Jim-cha

Mother: Mary Isaac L

Claims through both parents.

Wife: Lucy Isaac (full) 48 d

Father Billy Ste-ah-tubbe d

Mother Mary " d

Claims for self, wife and 4 children.

Children:

Ollie Isaac (F) 18

Riley " (F) 12

Fannie " " 10

Bert " (M) 8

See Miss. Cho card filed No 231.

Stenographer

J. S. Niles.

END  
OF  
ROLL

