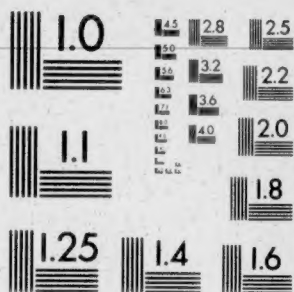
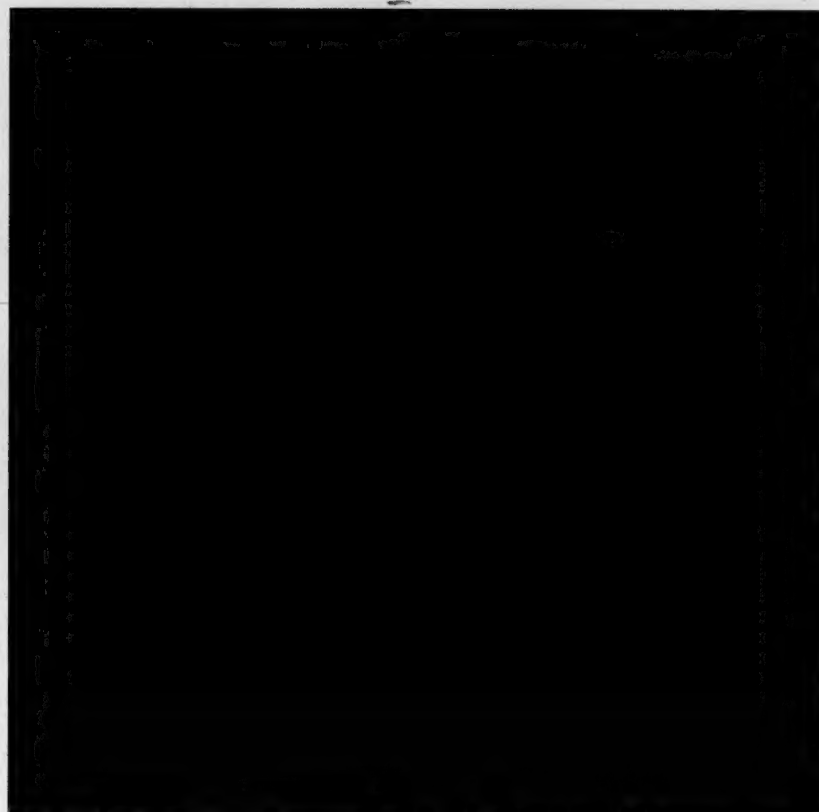
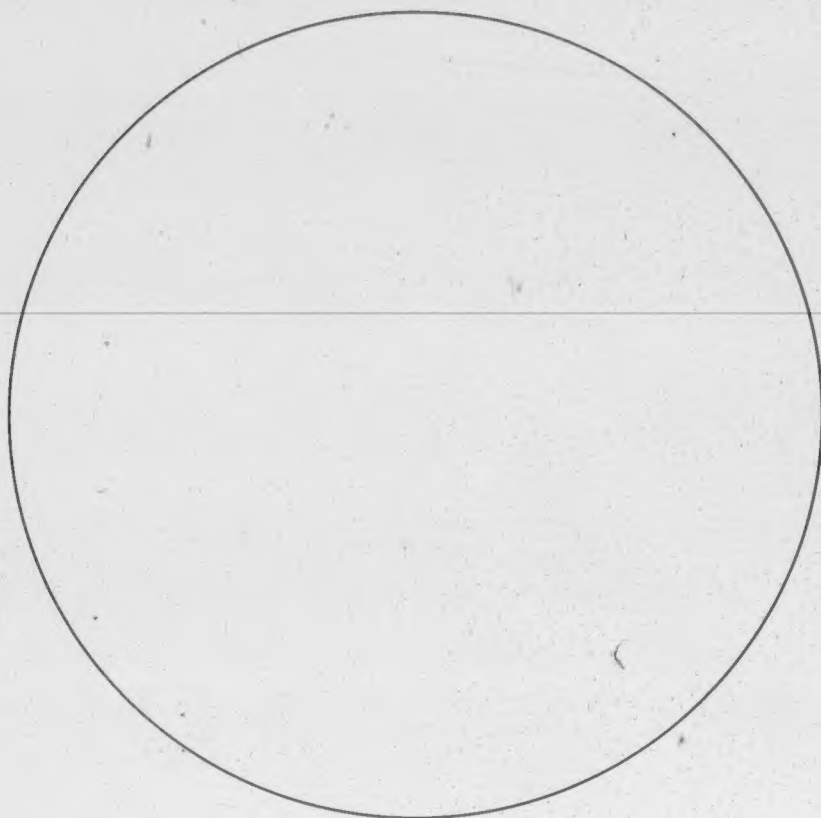
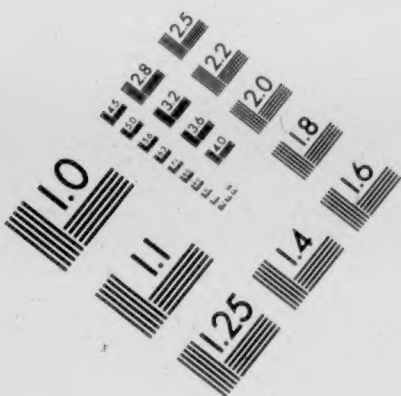


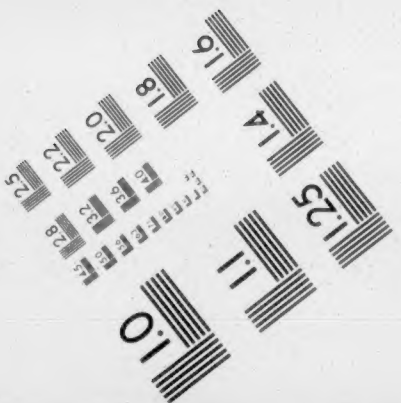
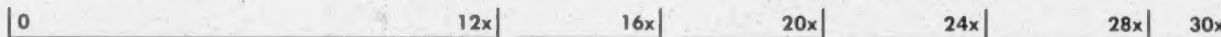




NATIONAL ARCHIVES CENTER  
FORT WORTH, TEXAS



SHOULD MEASURE .25" AT REDUCTION



MANUFACTURED BY  
PHOTOGRAPHIC SCIENCES CORPORATION  
770 BASKET ROAD  
P.O. BOX 538  
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 142**

MISSISSIPPI CHOCTAW MCR 5034-5127

THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Choctaw MCR 5034

Robinson Willis

MCR 5034

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Robison Willis, et  
al., for identification as Mississippi Choctaws, M.C.R. 5034.

-----o-----

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Robison Willis, et al., for identification as Mississippi Choctaws, M.C.R. 5034.

--: I N D E X :--

	(Page)
Original application of Robison Willis, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Testimony of Solomon Willis taken at Meridian, Mississippi April 3, 1901.....	7 A
Decision of the Commission identifying above applicants...	8

-----0-----

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Seale, Mississippi, March 22nd, 1902.

In the matter of the application of Robison Willis for the identification of himself, his wife, Lizzie, and two minor children, Davie and Ballison, as Mississippi Choctaws.

Said Robison Willis, being first duly sworn, testified as follows:-  
(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Robison Willis.
- Q How old are you? A About thirty years old.
- Q How much Choctaw blood have you? A Full blood.
- Q What's your postoffice address? A Aden.
- Q Neshoba County, Mississippi? A Yes.
- Q How long have you lived at Aden? A All my life.
- Q Is your father living? A No.
- Q What was his name? A Willis.
- Q Had he any other name? A He had a Choctaw name.
- Q What was his Choctaw name? A Tah-no-pa-yah.
- Q Did he live in Mississippi all his life? A I guess so.
- Q How long has he been dead? A About fifteen years.
- Q About how old was he when he died? A About seventy years old-that's what some of them said.
- Q Is your mother living? A No.
- Q What was her name? A Nancy.
- Q Did she have a Choctaw name? A No, I don't know.
- Q Was she a full blood? A Yes sir.
- Q Did she live in Mississippi all her life? A Yes.
- Q Do you know the name of her father or mother? A No, I don't know.
- Q Do you know the name of your father's father or mother? A No, I don't know them.
- Q Are you married? A Yes.
- Q Is your wife living? A Yes.
- Q What's her name? A Lizzie.
- Q Is she a full blood Choctaw? A Yes.
- Q Has she lived here in Mississippi all her life? A Yes.
- Q Do you want to give in her name too? A Yes/.
- Q How old is she? A About twenty-four, I think.
- Q Were you married to Lizzie under a license or according to Choctaw custom? A Choctaw custom.
- Q How long have you lived with her? A About nine years-it will be nine years next month.
- Q Are you living together now? A Yes.
- Q Is her father living? A Yes.
- Q What's his name? A Tom Isaac.
- Q Where does he live? A He lives in Neshoba.
- Q What's his postoffice address? A Aden.
- Q Is he a full blood Choctaw? A Yes.
- Q About how old is he? A About fifty I guess.
- Q Do you know the name of Tom's father or mother? A No, I don't know.
- Q Is your wife's mother living? A Yes.
- Q What's her name? A Lucy.



Robison Willis et al--2

- Q Is she a full blood? A Yes.  
Q Has she lived here in Mississippi all her life? A Yes.  
Q Do you know the name of her father or mother? A Her father's name is Dixon.  
Q Is he living? A No, he died.  
Q Was he a full blood Choctaw? A Yes.  
Q You don't know the name of Lucy's mother? A No.  
Q So far as you know, have all of your ancestors and all of your wife's ancestors always lived here in Mississippi? A Yes.  
Q Have you any children living? A Yes.  
Q How many? A Two living.  
Q What are their names and ages? A Davie.  
Q How old? A About seven years old.  
Q Next one? A Ballison.  
Q How old? A Four years old.  
Q Is that a boy? A Yes.  
Q Is that all your children? A Yes sir, all that are living.  
Q Are these both the children of yourself and Lizzie? A Yes.  
Q Was you ever married before you married her? A No.  
Q Was she ever married before she married you? A No.  
Q Have you any other children living in your family? A No.  
Q This application, then, is for yourself, wife and two minor children, is that right? A Yes.  
Q Is your name, your wife's name or the name of either 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 you or your wife or either of these children? A Yes sir, three years ago at Philadelphia.

The records of the Commission show that on the 2nd day of February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of this applicant, his wife Lizzie, and two minor children, Davie and Ballison, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No. 302, also upon page 75 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 1061, 1062, 1063 and 1064 respectively thereon.

- Q Is that application made three years ago at Philadelphia the only application of any description that has ever been made for you or your wife or either of these children? A Yes sir, 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, wife and two minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes.  
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

This reaty 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 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~~ put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here and become a citizen of the States might receive land here in Mississippi from the Government of the United States. 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.
- 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-I don't know if any of them did-my father went to the Territory and got some money.
- Q When did he go out there? A I don't know when he went out there--that's what I heard.
- Q How did you hear that? A I heard Watson Marris talking about it.
- Q What did you ever hear Watson say about it? A He was talking about it as we come here-he said my father went to the Territory twice and brought money both times.
- Q Did he tell you when it was that he got the money? A No-that was before I was born I reckon.

Q Do you know whether any of your ancestors or any of your wife's ancestors owned an improvement here in Mississippi in the old Choctaw Nation in the year 1830 when this treaty of Dancing Rabbit Creek 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 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.

Q Did any of them ever get any land any place from the Government of the United States? A If they did I don't know.

Q How long did your father stay out in Indian Territory the first time he was there? A I don't know how long he stayed out there-- I just heard he went out there twice.

Q Do you know how long he stayed there the second time? A No, 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 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 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 or any of your wife's ancestors appear before any of these Commissioners and attempt to establish their rights under this 14th article of the treaty? A Never heard.

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 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.

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 the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No.

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 don't know.

Q Did you ever hear of any deeds or patents or papers of any kind showing that any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek? A No, never did see or hear of any such thing.

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

Q Have you 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 of our appointments here in Mississippi this Spring, including the one at Meridian between the 14th and 30th of April next, or within a reasonable time at the general office of the Commission 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.

Q Have you any brothers living? A Yes, I got one brother living and another half brother.

Q What's the name of your full brother? A Solomon Willis.

Q What's the name of your half brother? A Tishomingo Willis.

Q What's his other name? A That's all.

Q Where does he live? A He lives in Kemper somewhere--I haven't seen him for several years.

Q Have you any sisters living? A One living.

Q What's her name? A Emily.

Q Is she married? A Yes.

Q What's her husband's name? A Langley Joe.

Q Have you any brothers or sisters dead who left children? A No full brother is dead but I have a half sister dead who left children.

Q What was the name of that half sister? A Bessie. .)

Q Is her husband living? A No, he died.

Q What was his name? A She married Charley Ben the first time

Robison Willis et al--6

- and the second time married a man I think by the name of Sam Lewis.
- Q How many of her children are living? A Just one.
- Q What's that child's name? A Office Bell.
- Q Is he living? A Yes.
- Q What's his wife's name? A I don't know.
- Q Has your wife any brothers living? A Yes, four or five.
- Q What are their names? A Clinton Isaac.
- Q Next one? A Dennis Isaac.
- Q Next one? A Holman.
- Q Next one? A Hollis.
- Q Next one? A Tom, I think.
- Q Is that all? A Yes.
- Q Has she got any sisters? A Yes.
- Q How many? A One.
- Q What's her name? A Amanda.
- Q Is she married? A She's only a little child.
- Q Are any of your father's brothers or sisters living? A No.
- Q Are any of your mother's brothers or sisters living? A No.
- Q Are any of your wife's father's brothers or sisters living? A No.
- Q Are any of your wife's mother's brothers or sisters living? A One sister.
- Q What's her name? A Mary Jane.
- Q Is she married? A Yes.
- Q What's her husband's name? A Doctor Sahman.

-----

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 partly in English and partly through a sworn Choctaw interpreter.

Watson Marris, being first duly sworn, testified as follows:  
(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Watson Marris.
- Q How old are you? A About fifty-three, somewhere along there.
- Q What's your postoffice address? A Rest, Neshoba County, Mississippi.
- Q How much Choctaw blood have you? A About half I reckon.
- Q You made application to the Commission here in your own behalf this morning, didn't you? A Yes.
- Q Are you acquainted with the applicant Robison Willis? A Yes.
- Q How long have you known him? A Ever since he was a little baby.
- Q Is he a full blood Choctaw? A Yes.
- Q Do you know his wife? A Yes.
- Q Is she a full blood? A Yes.
- Q What's her name? A Lizzie.
- Q Do you know who Robison's father was? A Old man Willis--his Choctaw name was Tun-na-po-yah.

Robison Willis et al--7

- Q How long has he been dead? A About twenty years ago now.
- Q About how old a man was he when he died? A He was an old man when he died.
- Q How long did you know him? A I knew him ever since I was little boy. He was an old man then when I know him.
- Q Do you know whether he ever got any land or money from the Government of the United States? A I don't think he got any land.
- Q Did he ever get any money? A I don't know about the money.
- Q Do you know whether he ever went to the ~~xxx~~ Territory or not?  
A Yes sir, he went there twice.
- Q When did he go there first? A When I was a little boy--I cant recollect when.
- Q How long did he stay out there? A I think he stayed one year one time but I don't know how long he stayed there when he first went there.
- Q Was this the first or second time he went there that he stayed one year? A The second time.
- Q Do you know when it was that he went the first time? A I don't know about that.
- Q Do you know how long he stayed there the first time? A He told me he stayed there about one year.
- Q About a year each time, then? A Yes.
- Q Do you know whether he got any money out there at that time?  
A He said he got about six hundred dollars.
- Q From the Government? A I reckon so--I don't know.
- Q You don't know whether he ever received any benefits from the Government of the United States under the 14th article of the Treaty of Dancing Rabbit Creek, do you? A No sir, I don't know about that.
- Q Do you know whether any of this applicant's ancestors or any of his wife's ancestors ever received any benefits from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No.
- Q Are you any relation to this applicant or his wife? A His wife is kin to me.
- Q What kin? A His wife's mother was my cousin.
- Q You are not interested in any way in the result of his application? A No.

-----

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 Seale, Mississippi, March 22nd, 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 2nd day of April, 1902, at Seale, Mississippi.

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

By *M. W. Smith*

Deputy.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, April 3, 1901.

In the matter of the Application of Solomon Willis for the Identification of himself, his wife and three children as Mississippi Choctaws.

Solomon Willis being first duly sworn testified as follows

Examination by the Commission:

- Q What is your name? A Solomon Willis.  
Q What is your age? A 35 years.  
Q What is your post office address? A Aden, Neshoba county, Miss.  
Q You claim to be a full blood Choctaw, do you? A Yes sir.  
Q Is your father living? A No sir.  
Q What was his name? A Just Willis; his Choctaw name is Tonnapayah  
Q He was a full blood, was he? A Yes sir.  
Q Is your mother living? A No sir.  
Q What was her name? A Nanoy Willis.  
Q Was she a full blood? A Yes sir.  
Q Are you married? A Yes sir.  
Q What is the name of your wife? A Josephine  
Q What proportion of Choctaw blood does she claim? A 1/4.  
Q How old is she? A 27 years.  
Q Is her father living? A No sir.  
Q What was his name? A Lewis Tubby  
Q Was he full blood? A Yes, Lewis is full blood.  
Q When did he die? A Died last summer two years ago.  
Q Is your wife's mother living? A Yes sir.  
Q What is her name? A Mandy Tubby  
Q Is she a white woman? A She is half Choctaw.  
Q When and where were you married to Josephine Willis?  
A I was married at Winston, Miss.  
Q When did you marry her? A in '93.  
Q Have you your marriage license and certificate with you?  
Q Yes, we was married with a license and a preacher  
Q Have you your license here with you? A No sir.  
Q It will be necessary for you to furnish the Commission with evidence of the marriage of yourself and Josephine Willis to be considered in connection with your application. If this evidence is received within thirty days it will be filed and considered with this application.  
Q What are the names and ages of your children? A Willie, 8 years Sarah Jane 2 years and Henney Lee(boy) 1 year.  
Q These children are all living with you at the present time?  
A Yes sir.  
Q You and your wife live together? A Yes sir.  
Q She is the mother of all these children? A Yes sir.  
Q Have either you or any of your ancestors ever received any benefits at all as Choctaw citizens? A Not a. I know of.  
Q Has your wife or any of her ancestors ever received any benefits as Choctaw citizens? A No.  
Q Are any of your names to be found on the Choctaw tribal rolls back in the Indian Territory at present? A Pa has been there and come back and he said---  
Q Your father was out there one time was he? A Yes, and come back.  
Q You don't know whether your names are on the rolls? A No.  
Q You never lived in the Indian Territory? A No.  
Q Has your wife? A No  
Q Have you both always lived in Mississippi? A Yes.  
Q When did your father go out there? A I don't know; the time all the Choctaws went I think.  
Q How old would he be if he was living now? A I don't know He said 97 when he died; it is 16 or 17 years since he died.  
Q Do you know what year it was he went to the Choctaw nation, Indian Territory? A No.

- Q How long did he stay out there? when he was there? A He went in the fall and came back in the spring, he said.
- Q He never went back again? A No.
- Q Did you ever hear of him receiving any land here in Mississippi from the Government? A No.
- Q Did he ever draw any money with the Choctaws out there? A Yes, he said he got \$100 in money.
- Q That was when he left here? A Yes, and when he came back he brought \$100 back.
- Q He drew it while he was there did he? A Yes.
- Q Did he get any land when he came back? Land here in Mississippi?
- A No sir.
- Q Did your mother get any land here? A No, I reckon she didn't.
- Q Did you ever hear her say whether she did? A No.
- Q Do you know whether your grandparents got any land here? A No.
- Q Did any of them go west with the Choctaws? Your mother's or father's father and mother? A I don't know only what pa said.
- Q Did he ever say they went out there? A No.
- Q You don't know whether they went out there or not? A No.
- Q What was the name of your father's father? A I don't know.
- Q Do you know your father's mother's name? A No.
- Q Do you know your mother's mother's name? A No.
- Q How old would your mother be if she was living now? A I think about 60 if she was living now.
- Q Have you ever been before the Commission before? A Yes, I was at Philadelphia.
- Q When was that? A Two years ago.
- Q That was before Henney Lee was born was it? A Yes sir.
- This applicant is identified as the identical Solomon Willis who appeared before the Commission at Philadelphia, Mississippi on February 2, 1899, Mississippi Choctaw card No. 533 Solomon Willis, Josephine Willis, Willie Willis and Sarah J. Willis.
- These same four names appear upon the schedule annexed to the Commission's report of March 10, 1899 as to the identification of Mississippi Choctaws, at page 108, roll numbers as follows: 1914, 1915, 1916 and 1917.
- Q It will be necessary for you to furnish the Commission evidence of the birth of your youngest child, Henney Lee.
- Q Did you say your wife's mother is a half blood Choctaw? A Yes.
- Q You are sure of that are you? A Yes sir.
- Q What is the other half? A I don't know what it is.
- Q White or colored? A Well, she was bright.
- Q You don't know whether she had any colored blood or not? A No.
- Q Do you swear positively she has not? A I can't swear because I don't know which one.
- Q Did you ever hear of your wife's parents receiving any benefits as Choctaw citizens? A No.
- Q Did they ever live in Indian Territory? A No.
- Q Did your wife ever live out there? A No.
- Q They have always lived in Mississippi? A Yes.
- Q Were her parents living here when the Choctaws removed west in the year 1830? A My wife's father don't know anything about it.
- Q You don't know whether they were living here or not? Were her grandparents living here in 1830 when the Choctaws moved west?
- A Don't know.
- Q Did you ever hear of any of them receiving any land here in Mississippi? A No sir.
- Q Did you ever hear of any of them receiving money from the Government? A No.
- Q Did you hear they had ever been admitted to citizenship in the



3-Solomon Willis.

- Choctaw nation, Indian Territory? A No.
- Q They have never been recognized by them as citizens? A No.
- Q They never got any money from the government? A No.
- Q You appear and claim for yourself and wife and three minor children as beneficiaries under the provisions of the 14th article of the treaty of 1830 A I don't know anything about that.
- Q Why are you here then? Simply to make claim for land in Indian Territory. A Just what those folks said.
- Q You thought you were entitled to something over there did you?
- A Yes sir.
- Q Did you ever hear of the treaty of Dancing Rabbit Creek, between the Choctaws and the United States? A No.
- Q Ever hear of the treaty of 1830? A Pa was telling me about that; I was small then.
- Q In case the Commission should be able to identify you and your wife and minor children as Mississippi Choctaws entitled to rights in the Choctaw lands under the provisions of this treaty of Dancing Rabbit Creek--the 14th article of th t treaty- would you be willing to move out to the Choctaw nation, Indian Territory and get land and live there permanently? A I can't go like I am now; I would want to go.
- Q What you mean, you havn't got the money? A Yes.
- Q If you could get the means you would go all right? A Yes, if I had a way to go I would.
- Q Is there any additional statement in regard to your case that you want to make now? A No sir. I want to know if you be sure we get land.

The decision of the Commi sion with reference to your application and the application you make on behalf of your wife and three minor children will be mailed to you at a later date, to your present postoffice address.

-----o-----  
This applicant has every appearance of being a full blood Choctaw Indian; he speaks Choctaw fluently, and broken English.

Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings has in the above entitled cause on the 3rd day of April, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Frances R. Brown*

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

*[Signature]*  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*C.W.*

---o---

In the matter of the application of Robison Willis, et al., for identification as Mississippi Choctaws, M.C.R. 5034.

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 March 22, 1902 by Robison Willis for himself, his wife Lizzie Willis, and his two minor children Davie and Ballison Willis 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 there-to and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.

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

Nations September 26, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."


It is, therefore, the opinion of this Commission that Robison Willis, Lizzie Willis, Davie Willis and Ballison Willis should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Acting Chairman.

Commissioner.

Muskogee, Indian Territory,

  
Commissioner.

14 101

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

-oOo-

In the matter of the application for the identification of  
Nannie Willis as a Mississippi Choctaw.

-oOo-

Herein is the record in the matter of the application for  
the identification of Nannie Willis as a Mississippi  
Choctaw, M.C.R. 5034.

-oOo-

Mem 226

5034

IN RE

Application for Enrollment of  
Infant Child.

*Nannie Willis*

as a citizen of the

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW Nation.

Approved

1903

  
COMMISSIONER.

This application first received  
March 21, 1903.

The within application is ac-  
cepted on behalf of the within  
named child as evidence of its  
birth, and will be filed and  
made a part of the original ap-  
plication of its parents for  
identification as a Mississippi  
Choctaw, but it is not to be  
considered as an application  
for its ENROLLMENT as a citizen  
of the Choctaw Nation.

  
Commissioner in Charge.

In Re application for Identification as a Mississippi Choctaw  
of Wannie Willis, infant child of Robinson and Lizzie Willis,  
H C R 5034.

Indian Territory, I ss.  
Southern District I

I, Robinson Willis, being first duly sworn deposes and states on my oath that I am about 33 years of age, and that my post office address is Ardmore, Indian Territory; that I am the identical Robinson Willis, who on the 22nd day of March, 1902 appeared before the Commission to the Five Civilized Tribes at Seale, Mississippi and made application for the identification of myself and my wife Lizzie and 2 other children.

That on or about the 10th day of July, 1902 there was born to myself and wife a female child, which child has been named Wannie; that on or about March 19, 1903 application was made in writing to the Commission for the identification of said child as a Mississippi Choctaw; that in said application the name of my wife appears to be "Malissa", which is a mistake as her name is "Lizzie". In one place in said application my name appears as "Robinson" and in another as "Robertson", and my correct name is "Robinson". I make this affidavit for the purpose of correcting said mistakes,

Robinson Willis

Subscribed and sworn to before me this the 12 day of  
March, A. D. 1904.

Lena Tiffit  
Notary Public.

POOR ORIGINAL -  
BEST AVAILABLE COPY

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Miss Choctaw Nation.  
of Nannie Willis, born on the 10 day of July, 1902.  
Name of Father: Robertson Willis, a citizen of the Miss Choctaw Nation.  
Name of Mother: Malissa Willis, a citizen of the Miss Choctaw Nation.  
Postoffice, Arkmore, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, }  
Sequoyia District. }

I, Malissa Willis, on oath state that I am 27 years of age and a citizen, by blood, of the Miss Choctaw Nation; that I am the lawful wife of Robertson Willis, who is a citizen, by blood, of the Choctaw Nation; that a female child was born to me on the 10 day of July, 1902; that said child has been named Nannie Willis, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.) }  
H. Pickett  
J. Pickett

Malissa Willis  
mark

Subscribed and sworn to before me this 19 day of March, 1902.

A. F. Gregory

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, }  
Sequoyia District. }

I, Ada Morris, a midwife, on oath state that I attended on Mrs. Malissa Willis, wife of Robertson Willis, on the 10 day of July, 1902; that there was born to her on said date a female child; that said child is now living and is said to have been named Nannie Willis.

WITNESSES TO MARK:

(Must be Two Witnesses.) }  
H. Pickett  
J. Pickett

Ada Morris  
mark

Subscribed and sworn to before me this 19 day of March, 1902.

A. F. Gregory

NOTARY PUBLIC.

My Commission expires Feb 9<sup>th</sup> 1907

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

-oOo-

In the matter of the application for the identification of  
Nannie Willis as a Mississippi Choctaw, M.C.R. 5034.

---: 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 March 21, 1903, for Nannie Willis, 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 herein and from the records of the Commission, it appears that this applicant is a legitimate child of Robison Willis and Lizzie Willis, both of whom are full-blood Mississippi Choctaw Indians, who, on February 14, 1903, were duly identified as Mississippi Choctaws under the provisions of Section forty-one of the act of Congress approved July 1, 1902, (32 Stats., 641), and ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902.




(2)

It is therefore the opinion of this Commission that Nannie Willis 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,

MAY -5 1904

Araders, I. T. February 17, 1903.

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

You will please deliver to J. O. Ralls, of Atoka, Indian Territory, any copies of records in my case, that under the rule of law, the Commission may give out to attorneys, as I have employed him to assist me in this case.

WITNESSES TO MARK:

Lena Tappet  
J. T. Bassler

Robertson Millis  
made

Robertson Millis also applied for his wife Malissa, and their three children Davis, Bob, and Kaynie.

M.C.R. 5036.

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 Robison Willis, his wife Lizzie Willis, and minor children Davie Willis and Ballison Willis, 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 Robison Willis, 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,

Registered.

Enc. W.C.B. 31.

Acting Chairman.

COPY.

M.C.R. 5034

Muskogee, Indian Territory, March 11, 1903.

Robison Willis,  
Aden, Mississippi.

*Remailed. Adm. J. T. April 14,  
1903.*

Dear Sir:-

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife Lizzie Willis, and your minor children Davis and Ballison Willis, 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

Enclosure 5034

Muskogee, Indian Territory, April 3, 1903.

J. G. Ralls,  
Attorney at Law,  
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, enclosing the affidavit of the mother, Malissa Willis, and that of the midwife, Ida Morris, relative to the birth of Nannie Willis, infant child of Robinson and Malissa Willis, July 10, 1902.

In reply you are informed that it appears from the records of the Commission that Robison Willis, thirty years of age, post office address Aden, Mississippi, made application to this Commission for the identification of himself and wife, Lizzie, and two minor children, as Mississippi Choctaws.

If the father and mother of the child named in the affidavits submitted by you are identical with the Robison and Lizzie Willis named in the above application, advise the Commission of this fact and have the affidavits corrected which are herewith returned you.

Respectfully,

C O P Y

Ardmore, I. T. February 24, 1904.

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

Gentlemen:-

You will please recognize Mr. Thos. Norman of Ardmore,  
Indian Territory as my attorney in the matter of the application  
for identification of my infant child, Nannie Willis, as I have em-  
ployed him to assist me in this matter.

his  
Robinson X Willis  
-----  
mark

WITNESSES TO MARK:

L. R. Marston, Jr. . . .

John P. Johnson . . . .

Muskogee, Indian Territory, March 7, 1904.

Thos. Norman,

Ardmore, Indian territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 24, 1904, enclosing an affidavit signed Robinson Willis, which you state is to correct certain errors in the birth application to which said affidavit is attached.

These papers are returned to you herewith and your attention is called to the discrepancies in the name of the father of the child for whom application is made as a Mississippi Choctaw.

The affidavit attached to the birth certificate is signed "Robinson" Willis. In the affidavit of the mother the name of the father is given as "Robertson" Willis; and in the affidavit of the midwife the father's name is given as "Roberson" Willis.

Respectfully,

McM 2

Commissioner in Charge.

M C R 5034

Muskogee, Indian Territory, March 22, 1904.

Thos. Norman,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, enclosing application for the identification of Hannie Willis, infant child of Robinson and Malissa Willis; also affidavit of Robinson Willis explaining differences in name in said application. These papers have been filed with the records of the Commission.

Respectfully,

Commissioner in Charge.



M.C.R. 5034.

COPY.

Muskogee, Indian Territory, May 5, 1904.

Robison Willis,  
Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 5, 1904, identifying your minor child Nannie Willis as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, the person so identified, in order to avail herself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5th, 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,

(SIGNED)

*James Bixby.*

Chairman.

Registered.

Enc. MCR 5034.

M.C.R. 5034

COPY.

Muskogee, Indian Territory, May 5, 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 5, 1904, identifying Nannie Willis as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Nannie Willis as a Mississippi Choctaw, and make proof of service of said protest upon the applicant herein. If you fail to file protest within the time allowed, her name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*James Wilson*

Chairman.

Registered.  
Enc. MCR 5034.

M C R 7236  
M C R 8034  
M C R 2466-1808

Muskegee, Indian Territory, July 18, 1904.

John S. Hagler,  
National Life Building,  
Fort Worth, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, in which you state that the following named persons have died in the Chickasaw Nation, Indian Territory, since making application for identification as Mississippi Choctaws:

Joseph Yearby,  
Mannie Willis, infant of Robinson Willis,  
Selia Sampson, infant of John Sampson,  
Lawrence John, infant of Cricket Byrnes.

You ask to be advised whether the above named persons have been identified by this Commission as Mississippi Choctaws, the date of such identification, and whether or not an administrator, properly appointed by the United States District Court of the Indian Territory, would, at this time, be allowed to make selection of allotment in the name of any of the persons above mentioned.

In reply to your letter you are informed that it appears from our records that application has been made to this Commission for the identification of Selia Sampson, minor child of John and Louisiana Sampson, as a Mississippi Choctaw, but up to the present time no action has been taken on said application.

J S H S

On March 12, 1904, the Commission rendered a decision identifying Salina Farve, her minor child, Turner Farve, and her minor brothers and sisters, Joseph, Thomas, Christie and Mary Yearby, as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations.

Our records further show that on March 5, 1904, the Commission rendered its decision identifying Nannie Willis, minor child of Robison and Lizzie Willis, as a full blood Mississippi Choctaw entitled to allotment in the lands of the Choctaw and Chickasaw Nations.

A careful examination of the records of this office has been made and it does not appear that any application has ever been made to this Commission by or on behalf of any person by the name of Lawrence John for identification as a Mississippi Choctaw.

As to the rights of deceased Mississippi Choctaws to participate in the distribution of the tribal property of the Choctaws and Chickasaws, you are advised that the Assistant Attorney General for the Department of the Interior, in an opinion dated March 8, 1904, in discussing this question held that:

"The making of proof of removal to and settlement within the Choctaw-Chickasaw country by a representative of a deceased Mississippi Choctaw is not provided for in the agreement. On the contrary, the provisions of the 43rd and 44th sections of the agreement seem to have been framed for the express purpose of excluding from the right to allotment one who died before making such proof."

J E N S

In accordance with this opinion of the Assistant Attorney General for the Interior Department, you are advised that the Commission holds that in order for a Mississippi Choctaw to participate in the distribution of the lands of the Choctaws and Chickasaws he must have been identified by the Commission to the Five Civilized Tribes as a Mississippi Choctaw and removed to and made settlement within the Choctaw-Chickasaw country, Indian Territory, submitting satisfactory proof of such removal and settlement.

Respectfully,

Commissioner in Charge.

M C R 2027  
M C R 2034  
M C R 2555

Muskogee, Indian Territory, April 1, 1905.

Wolfe & Wright,

Attorneys at Law,

Tishomingo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 25th ultimo, transmitting applications for the identification as Mississippi Choctaws of Sam Marris, Effie Johnson and Willis Willis, born subsequent to September 25, 1902. You ask if these applications will be sufficient to enroll said children.

In reply you are advised that the Commission cannot at this time state what construction the Department will place upon the provisions of the Act of Congress approved March 3, 1905, relative to receiving applications for the enrollment of infant children. However, the applications forwarded by you will be received in order to protect any rights said children might have under the Act of Congress above referred to.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Seale, Miss.

Date MAR 22 1902

Name Robison Willis

Age 30 Blood full

Post Office, Aden, Miss

Father: Willis d.  
Tah-no-pa-yoh.

Mother: Nancy Willis. d.

Claims through

wife	Lizzie Willis (full)	24
Father	Tom Isaac	2
Mother	Alice "	2

Has 2 children

Children:

Davie Willis (M) 7

Ballison " (M) 4

Miss. Soc. card No. 502

Stenographer

A. J. Niles

Robison Willis

K. 5034

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

JOHN W. ANDERSON, M.D.

DECISION



Choctaw MCR 5035

Wesley Frazier

MCR 5035

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----- O -----

In the matter of the application of Wesley Frazier, et  
al., for identification as Mississippi Choctaws, M.C.R. 5035.

----- O -----

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Wesley Frazier, et al., for identification as Mississippi Choctaws, M.C.R. 5035.

---: I N D E X :--

	(Page)
Original application of Wesley Frazier, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Decision of the Commission identifying above applicants...	8.

-----0-----

2

503

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Seale, Mississippi, March 22nd, 1902.

In the matter of the application of Wesley Frazier for the identification of himself, his wife Sallie and two minor children, Clint S., and Ella, as Mississippi Choctaws.

Said Wesley Frazier, being first duly sworn, testified as follows:

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Wesley Frazier.
- Q How old are you? A Thirty-five.
- Q How much Choctaw blood have you? A Full blood.
- Q What's your postoffice address? A Pearidge, Kemper County, Mississippi.
- Q How long have you lived in Kemper County? A I've lived there about a year.
- Q Where did you live before that? A In Neshoba.
- Q Did you live in Neshoba all your life before you moved to Kemper County one year ago? A Yes.
- Q Is your father living? A No, he done dead.
- Q What was his name? A Farbis Frazier.
- Q Did he have a Choctaw name? A No.
- Q How long has he been dead? A About seven years now.
- Q About how old was he when he died? A About fifty.
- Q Do you know the name of his father? A George Frazier.
- Q How long has he been dead? A Long time--I don't know how long.
- Q Was he a full blood Choctaw? A Yes.
- Q Did he have a Choctaw name? A Nah-ka-na-tubbee.
- Q Do you know the name of your father's mother? A I don't know that.
- Q How old would your father's father be if he were living now, do you know? A He was about seventy years old when he died and he died about twenty-five years ago.
- Q Is your mother living? A Yes.
- Q What's her name? A Mary.
- Q Is she married now? A She aint married now-not since pa died.
- Q Where does she live? A Here in Neshoba.
- Q About how old is your mother? A She's between sixty and seventy.
- Q Has your mother a Choctaw name? A Yes, Me-he-to-nah.
- Q Has your mother lived here in Mississippi all her life? A Yes.
- Q What was her father's name? A Joe.
- Q Did he have any other name? A No, I never did hear any other name.
- Q What was your mother's mother's name? A Jennie.
- Q Did she have a Choctaw name? A Il-lah-pe-te-mah.
- Q How old would she be if she were living now? A I don't know how old she would be-I never did see her-just heard her name.
- Q Was she a full blood Choctaw? A Yes.
- Q Do you know the names of any other of your ancestors? A No.
- Q As far as you know have all of your ancestors always lived here in the State of Mississippi? A Yes.
- A Are you married? A Yes.

Wesley Frazier et al--2

- Q Is your wife living? A yes.  
Q Are you living with her? A Yes.  
Q What's her name? A Sallie.  
Q Is she a full blood Choctaw? A Yes.  
Q Do you want to give in her name too? A Yes.  
Q How old is she? A Thirty.  
Q Has she always lived here in Mississippi? A yes.  
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 her? A Eight years.  
Q Were you ever married before you married her? A Yes, but I quit her.  
Q Were you married to your first wife under a license or according to the Choctaw custom? A Choctaw custom.  
Q How long did you live with her? A One year.  
Q Did you have any children by her? A No.  
Q What was her name? A Jane.  
Q Is she living now? A Dead.  
Q Did she die before you married your second wife? A No, after.  
Q How long ~~xx~~ after you quit your first wife was it that you married your second wife? A Two years.  
Q Is Sallie's father living? A No, dead.  
Q What was his name? A Amos.  
Q Did he have any other name? A No.  
Q Did he have a Choctaw name? A No.  
Q Do you know the name of his father or mother? A I don't know either one of them.  
Q Was he a full blood Choctaw? A yes.  
Q Did he always live here in Mississippi? A yes.  
Q Is your wife's mother living? A Dead.  
Q What was her name? A I don't know.  
Q Was she a full blood Choctaw? A Yes.  
Q You have seen her, have you? A No.  
Q How did you get the idea that she was a full blood? A That's what my wife says.  
Q Do you know the name of your wife's mother's father or of her mother? A I don't know none of them.  
Q Have all of your wife's people been full blood Choctaws? A Yes.  
Q Have they always lived in Mississippi? A Yes.  
Q How many children have you living? A Two.  
Q What are their names and ages? A Clint S.  
Q How old? A Five years old.  
Q Next one? A Ella.  
Q How old? A She will be one year old next May.  
Q Are these children both living with you at this time? A yes.  
Q Are they both the children of yourself and Sallie Frazier? A Yes.  
Q You have no other children living in your family? A No.  
Q This application, then, is for yourself, wife, and two children, is that right? A yes.  
Q Is your name or your wife's name to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No.  
Q Has any application of any description ever been made before today for you or your wife or either of your children for the purpose of establishing your rights as Choctaw Indians? A No, I never did, this is the first time.

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 two minor children under the 14th article 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 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 who lived here in Mississippi and Alabama to move out to the 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 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 States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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.

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 If they ever did I never heard of 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.

Wesley Frazier et al--4

- Q Did any of them live here at that time to your knowledge? 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 never heard if 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 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 never heard of it if they did.
- Q Did you ever hear of any of your old folks ever having gotten any land from the Government, here in Mississippi? A I heard that my father's father got land here.
- Q His name was Nah-ka-na-tubbe? A Yes.
- Q You heard that this man got land from the Government? A Yes.
- Q Where is the land he got from the Government? A In the north-east part of Neshoba County.
- Q How much land did he get from the Government? A I don't know how much land he got-good big piece though-I've seen it when I was a boy.
- Q Do you think it was as much as a mile square? A Yes, I think so.
- Q Do you know when he got that land? A I don't know when he got it.
- Q What did he do with it? A Sold for tax.
- Q When was it sold for taxes? A About twenty-eight years ago.
- Q Did he live on it up until the time it was sold for taxes? A He moved off of it before it was sold for taxes.
- Q Who got the land after your grandfather moved off of it? A Grandmother lived there and she died and it wasn't but a little while before it was sold for taxes.
- Q That was your father's mother, was it, that lived there? A My father's mother's sister but I call her my grandmother.
- Q What was her name? A Nancy.
- Q Did she have a Choctaw name? A Kah-te-mah.
- Q Did your grandfather have any sisters? A Yes, I heard he had sisters but I don't remember her name.
- Q How many sisters? A Two.
- Q Were they younger or older than he? A I heard one of them was older than he and the ~~younger~~ other was younger than he was.
- Q How much younger than your grandfather was this younger sister of his? A I don't know how much younger.
- Q Have you any idea how much younger she was? A I don't know-I can't tell how much younger she was.
- Q Did you ever hear the name of your grandfather's oldest sister? A No, never did hear her name.
- Q Did you ever hear the name of his father or his mother? A No.
- Q Did you ever see any deed or patent issued to your grandfather by the Government of the United States for this land that he got from the Government? A No.
- Q How old would he be if he were living now? A He would be about ninety if he were living now.
- Q Do you know definitely whether your grandfather got this land here in Mississippi, which you claim he got from the Government, under the 14th article of the treaty of Dancing Rabbit Creek? A I don't

Wesley Frazier et al--5

know.

Q Do you know of any old person living who would likely know about this matter and who would know the Choctaw names of more of your ancestors than you do? A No, I don't know of any old person that would know about this.

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 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 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 No, if they did I don't 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 elsewhere 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 of the United States under this act of Congress? A No, I never did see or hear of it but maybe my grandpa got scrip from the Government but I never seen it.



Wesley Frazier et al--6

- Q Did you ever hear that your grandfather got scrip from the Government? A No.
- Q Do you know of any old person living who would likely know whether any of your ancestors or 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, I don't know of any one.
- 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 don't know of any.
- Q Have you any written evidence to offer at this time? A No.
- Q Have you any witnesses to testify in your case? 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 Spring, including the one 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 in support of your application? A No.
- Q Have you any brothers living? A Yes.
- Q How many? A Three besides me.
- Q What are the names of your brothers? A Seal Frazier.
- Q Next one? A Henson Frazier.
- Q Next one? A Echol Frazier.
- Q Echol has been before the Commission? A Yes.
- Q And Seal appeared before the Commission, hasn't he? A I heard that He's been before the Commission.
- Q Has Henson been before the Commission within the last year? A No did three years ago.
- Q Have you any sisters living? A Three.
- Q What are their names? A Ann.
- Q Is she married? A Yes.
- Q What's her husband's name? A Lampkin Amos.
- Q What's the name of your other sister? A Minerva.
- Q Is she married? A Yes.
- Q What's the name of her husband? A Jim Marris.
- Q Have you any other sisters? A Yes, another one.
- Q What's her name? A Susanne.
- Q Is she married? A Yes.
- Q What's her husband's name? A Johnson Bell.
- Q How many children has Seal living? A Four.
- Q What are their names? A Ellen is the old est one.
- Q Next one? A Ligman.
- Q Next one? A Neely.
- Q Next one? A Ellis.
- Q Have you any brothers or sisters dead who left children? A Yes one dead.
- Q Brother or sister? A Sister.
- Q What was her name? A Margaret.
- Q Is her husband living? A Yes.
- Q What's his name? A Bobo Marris.

Wesley Frazier et al--7

- Q How many children did your sister leave? A Two, one dead and one living.
- Q What's the name of the one that's living? A Olis.
- Q Has your wife any brothers or sisters living? A Yes, three brothers and two sisters.
- Q What are the names of your wife's brothers? A Sweney Amos, Griffin Amos, Lamphin Amos.
- Q What are the names of her sisters? A Bettie, she's single.
- Q Next one? A Sissie, the wife of George Bull.
- Q Is that all now of your wife's sisters? A Yes.
- Q Is Bettie married? A She has been married but she and her husband are separated.
- Q What was her husband's name? A Pink Bull.
- Q With whom does Bettie live now? A With her brother Griffin.
- Q Has Bettie any children living? A No.
- Q About how old is Bettie? A About twenty-five.
- Q Are any of your father's brothers or sisters or any of their children living? A Yes, one living, father's brother is living.
- Q What's his name? A John Cherokee.
- Q Where does he live? A Across the River from here, on Nannywarrior Creek.
- Q Did he ever give in his name to the Commission? A I think he did last year.
- Q Has he any other name than John Cherokee? A No, I don't know of any other.
- Q Are any of your mother's brothers or sisters or any of their children living? A Yes, one living, my mother's brother.
- Q What's his name? A Langley Joe.
- Q Is that all? A Yes.
- 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 One of her brothers is living.
- Q What's his name? A Wash Bell.

This applicant has the appearance of being a full blood Indian-speaks and understands the Choctaw language and very little English the examination having been conducted mostly 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 Seale, Mississippi, March 22nd, 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 2nd day of April, 1902, at Seale, Mississippi.

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

By *[Signature]* Deputy.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

*Corr*

In the matter of the application of Wesley Frazier, et al., for identification as Mississippi Choctaws, M.C.R. 5035.

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 March 22, 1902 by Wesley Frazier for himself, his wife Sallie Frazier, and his two minor children Clint S. and Ella Frazier, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495.):

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

From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.


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

Nations September 25, 1902, provides as follows:

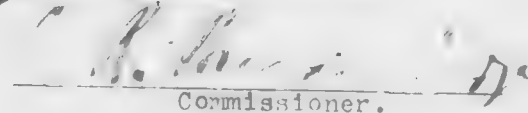
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Wesley Frazier, Sallie Frazier, Clint S. Frazier and Ella Frazier 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. 5035

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McFerray & 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 Wesley Frazier, his wife Sallie Frazier and minor children, Flint S. Frazier and Ella Frazier 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 Wesley Frazier, 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,

Registered.  
Enc. I.B.S. 11,

(SIGNED):

*Tams Bixby.*

Acting Chairman.

Muskogee, Indian Territory, March 11, 1903.

Wesley Frazier,

Pearlridge, 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, Sallie Frazier and your two children, Clint S. Frazier and Ella Frazier, as Mississippi Choctaw Indians under the provisions of section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

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

Respectfully,

(SIGNED)

*Jame Bixby.*

Chairman.

Registered.

Enc. 5035.

#1210

No. 5035

For Identification as a Mississippi Choctaw.

Seale, Miss. Date

MAR 22 1902

Name Wesley Frazier

Age 35 Blood full

Post Office, Pearridge, Miss

Father: Farbis Frazier d.

Mother: Mary ne-ke-to-nah- d.

Claims through

wife - Dallis Frazier (full) 30

Father - Amos d.

Mother - dont know - d.

For self, wife & 2 children

Children:

Clint S. Frazier 5

Ella " 10m.

Stenographer

J. A. Niles

Wesley Truier, et al.

COPIES OF DECISION FORWARDED  
APPLICANT

1903



Choctaw MCR 5036

Henson Frazier

MGR 5036

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

---o---

In the matter of the application for the identification  
of Henson Frazier, as a Mississippi Choctaw .

-----o-----

Herein is the record in the matter of the application for  
the identification of Henson Frazier as a Mississippi  
Choctaw, M.C.R. 5036.

--o--

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

-----o-----

In the matter of the application for the identification of  
Henson Frazier, as a Mississippi Choctaw, M.C.R. 5030.

--: I N D E X :--

	(Page)
Original application of Wesley Frazier for the identification of his brother, Henson Frazier, as a Mississippi Choctaw-----	1
Decision of the Commission identifying the ap- plicant herein as a Mississippi Choctaw-----	3

-----o-----

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Seale, Mississippi, March 22nd, 1902.

In the matter of the application of Henson Frazier for identification as a Mississippi Choctaw, represented by his brother Wesley Frazier.

Said Wesley Frazier, being first duly sworn, testified as follows:-  
(Oscar Billey , official interpreter)

Examination by the Commission.

- Q What's your name? A Wesley Frazier.
- Q How old are you? A Thirty-five.
- ✓ Q How much Choctaw blood have you? A Full blood.
- Q What's your postoffice address? A Pearidge, Kemper County, Mississippi.
- Q How long have you lived in Kemper County? A I've lived there a year.
- Q Where did you live before that? A In Neshoba.
- Q Did you live in Neshoba all your life before you moved to Kemper County one year ago? A Yes.
- Q Are you the identical Wesley Frazier who appeared before the Commission here at Seale today and made application in your own behalf and in behalf of your wife and minor children for identification as Mississippi Choctaws? A Yes.
- ✓ Q Have you a brother by the name of Henson Frazier? A Yes.
- Q Does he ever go by the name of Henson Farbus too? A No, it cant be--all I know is Frazier.
- Q About how old is he? A About twenty-one.
- ✓ Q Is he your full brother? A yes.
- ✓ Q He is a full blood Choctaw, is he? A yes.
- Q What's his postoffice address? A I don't know--probably about Noxapater. He lives up in Winston on Nanniewarrior Creek.
- Q Has he lived here in Neshoba and Winston Counties all his life? A yes.
- ✓ Q Is his father living? A No.
- ✓ Q What was his name? A Farbis Frazier.
- ✓ Q Is Henson's mother living? A yes.
- ✓ Q What's her name? A Mary Frazier.
- Q Is Henson married? A No.
- Q Has he ever been married? A No.
- Q Has he anyone living with him? A No, he's working for a white man up there.
- Q Do you know whether any application has ever been made for him to the Commission for the purpose of establishing his rights as a Choctaw Indian? A I thought he did three years ago--I might be mistaken. I thought maybe he went last year.

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 Henson Farbus as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw card Field No. 219, also upon page 63 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 number

Henson Frazier--2

765 thereon. It appears that at the time this application was made in his behalf three years ago the name of his father was given as Farbus and that of his mother Mary Farbus, so there can be no doubt that this man for whom application was made three years ago is the same Indian for whom application is now made by Wesley Frazier. The records fail to disclose that he has appeared before the Commission within the last year. Owing to the fact that he lives some distance from the office of the Commission and it may be impossible to procure his personal attendance, it is deemed best to take the testimony of his brother, Wesley, in his behalf. Reference is hereby made to the testimony of Wesley Frazier given before the Commission on this date in support of the application in his own behalf.

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 Seale, Mississippi, March 22nd, 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 2nd day of April, 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.

-----o-----

In the matter of the application for the identification of  
Henson Frazier, as a Mississippi Choctaw, M.C.R. 5036.

---: 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 March 22, 1902, by Wesley Frazier for his brother, Henson Frazier,  
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 the applicant is a full-blood Mississippi Choctaw  
Indian.

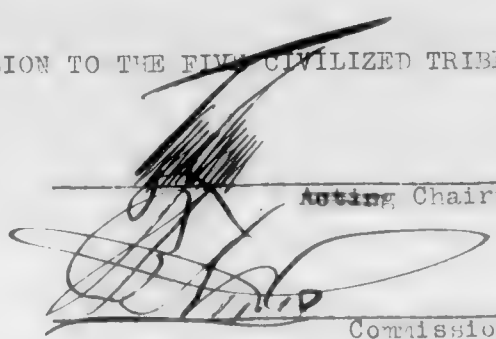
Section forty-one of the act of Congress entitled "An Act  
To ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians, and for other purposes," approved July 1, 1902,

(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 Henson Frazier should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

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

*C. A. ...*  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

APR 27 1903

COPY.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Henson Frazier 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 Henson Frazier 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.  
Enc.: 5036.



M C N 5036

COPY.

Muskogee, Indian Territory, May 6, 1903.

Henson Frazier,

Care Wesley Frazier,

Noxapater, 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 Henson Frazier as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully

(SIGNED)

Register.

Enc. 3036

*Tame Dixby.*  
Chairman.

#1911

No. 5036

For Identification as a Mississippi Choctaw.

Scale, Miss.

Date MAR 22 1900.

Name Henson Frazier  
by Waley Frazier

Age 21 Blood full

Post Office, Noxapater, Miss.

Father: Farbus Frazier &

Mother: Mary " &

Claims through  
For self only.

Children:

Miss. Choct. card No. 219.

Stenographer

J. S. Niles

FILE  
JUL 1 1903

*[Handwritten scribble]*

CHAIRMAN



16707  
15843

*inck...*

*As learned  
could not be...*



Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Henson Frazier,

Care Wesley Frazier,

Noxapater, Mississippi.

REGISTERED  
MAY 9 1903  
MUSKOGEE, IND. TER.

Choctaw MCR 5037

Scott Bell

See MCR 225, 4512, 5170, 5169  
5171, 4869, 4870, 4871, 4914, 4873  
4874, 5165, 4847, 4845, 4848, 2173

MCR 5037

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

-oOo-

In the matter of the application of Scott Bell for identification as a Mississippi Choctaw, M.C.R. 5037.

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

	(Page)
Original application of Scott Bell to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Additional testimony of Scott Bell-----	6
Decision of the Commission identifying Scott Bell as a Mississippi Choctaw-----	9

-oOo-

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

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

Scott Bell,	M.C.R. 5037
Hugh Bell,	M.C.R. 4512
Sweeney Amos, et al.,	M.C.R. 5170
Griffin Amos, et al.,	M.C.R. 5169
Bettie Bull, et al.,	M.C.R. 5171
Sampson Tubbee, et al.,	M.C.R. 4869
Will Tubbee, et al.,	M.C.R. 4870
Dick Tubbee, et al.,	M.C.R. 4871
Hickman Thomas, et al.,	M.C.R. 4914
Gibson Waiter, et al.,	M.C.R. 4873
Buddy Stribling, et al.,	M.C.R. 4874
Robert Tubbee, et al.,	M.C.R. 5165
Eliza Tubbee, et al.,	M.C.R. 4847
Anderson Ivey,	M.C.R. 4845
Mike Ivey, et al.,	M.C.R. 4848
Bob Ivey,	M.C.R. 2173

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

	(Page)
Original application of Scott Bell, to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Additional testimony of Scott Bell-----	6
Testimony of Dibbin Marris-----	9
Original application of Hugh Bell, to the Dawes Commission for identification as a Mississippi Choctaw-----	15

Original application of Sweeney Amos, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	23
Original application of Griffin Amos, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	27
Original application of Bettie Bull, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	30
Original application of Sampson Tubbee, et al., to the Dawes Commission for identifi- cation as Mississippi Choctaws-----	33
Original application of Will Tubbee, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	40
Original application of Dick Tubbee, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	42
Testimony of Ike Moses-----	46
Original application of Hickman Thomas, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	49
Original application of Gibson Walter, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	54
Original application of Buddy Stribling, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	58
Original application of Robert Tubbee, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	61
Testimony of Robert Tubbee-----	64
Original application of Eliza Tubbee, et al., for identification as Mississippi Choctaws-----	67
Original application of Anderson Ivey to the Dawes Commission for identification as a Mississippi Choctaw-----	70
Original application of Mike Ivey for iden- tification as a Mississippi Choctaw-----	75
Original application of Bob Ivey for identi- fication as a Mississippi Choctaw-----	78
Decision of the Commission refusing said ap- plicants as Mississippi Choctaws-----	81.



5087

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Seale, Mississippi, March 24, 1902.

In the matter of the application of Scott Bell for identification as a Mississippi Choctaw.

Scott Bell, 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 Scott Bell.
- Q How old are you, Scott? A About fifty five, I think.
- Q How much Choctaw blood have you? A Three quarters.
- Q Your father was half what? A Half white and half Choctaw.
- Q What's your post office address? A Plattsburg, Mississippi.
- Q Do you live in Winston County? A Yes, sir.
- Q How long have you lived in Winston County? A About thirty years.
- Q Where did you live before that? A I was raised in Neshoba County.
- Q You have lived in the State of Mississippi all your life? A Yes, sir.
- Q Is your father living? A No, sir.
- Q What was his name? A Alex Bell.
- Q How long has he been dead? A About forty years.
- Q About how old was he when he died? A About sixty eight.
- Q You a Choctaw name? A No, sir.
- Q Did your father have a Choctaw name? A No, sir, not that I know of.
- Q Did he speak or understand the Choctaw language? A Oh! yes.
- Q Is your mother living? A No, sir.
- Q What was her name? A Sallie.
- Q How long has she been dead? A She died before pa, the same year - about a month.
- Q About how old was your mother when she died? A I reckon about seventy two.
- Q Did she have a Choctaw name? A No, sir, not that I know of.
- Q Did your father and mother live here in Mississippi all their lives? A Yes, sir.
- Q Do you know the names of any of your grand parents? A No, sir.
- Q Any one of them? A No.
- Q Are you married? A Yes, sir, but my wife died five years ago.
- Q Have you any children living? A No, sir, we had one, but he died.
- Q This application, then, is for yourself only? A Yes, sir.
- Q Do you know whether your name is 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 Made application three years ago at Philadelphia.

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 as a Mississippi Choctaw, his name appearing

Scott Bell, 2.

upon Mississippi Choctaw Card, Field Number 225; also, upon page 64 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, claim rights in the Choctaw lands in Indian Territory, under the provisions of the 14th article of the treaty of Dancing Rabbit Creek, being Numbers 776 thereon.

Q This application made for you three years ago is the only application of any kind that has ever been made for you for the purpose of establishing your rights as a Choctaw Indian? A Yes.

Q 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, sir.

The treaty of Dancing Rabbit Creek was entered into 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 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 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 of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter 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."

Scott Bell, 3.

Q Do you understand that 14th article now? A Yes, sir.

Q Did any of your ancestors, or that is, your fore-fathers, ever comply or attempt to comply with the provisions of that article or ever receive any benefits under that article? That is, did they ever do as that 14th article said they must do, or ever get any land under that article, or scrip? A I don't know.

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.

Q Did any of them own an improvement 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 No, I don't think that ever any of them did; I think they all died here.

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 never heard.

Q

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 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 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 that 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 the treaty of Dancing Rabbit Creek? A If they did, I don't know it.

Scott Bell, 4.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided 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 Never did hear of it, if 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 Don't know of any one.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A Don't know.

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

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

Q Have you any witnesses here? A No.

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

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us any of our appointments here in Mississippi, this spring, including the one at Meridian, Mississippi, between April 14th and 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 Didn't you ever hear of your father or your mother having a Choctaw name? Or Indian name? A No.

Q Do you remember the Choctaw name of any one of your ancestors? A No, sir.

Q Do not? A No, sir. My mother's aunt's name was Bi-a-tubbee; my father's father was a white man; his name was Jim Bell.

Q Have you any brothers living? A Just one, Jewett Bell. Looks like one ought to be living, but he been gone so long.

Q What was his name? A Wesley Bell.

Q Have you any brothers dead who left children? A Yes, sir, he left children, there is one over here.

Q What is that child's name? A Silman Bell; he lives at Franks. His father was Nicholas. King Isaac is my brother's son.

Q What was the name of King's father? A Wiley Isaac.

Q Was he your full brother? A No, Wiley married my brother's daughter, and King Isaac is their son.

Q What was the name of King's mother? A Lusy.

Scott Bell, 5.

- Q Have you any sisters dead who left children? A Yes, sir, they left children over here. I have got three sisters living, and one dead.
- Q Did the one who is dead leave any children? A Yes, but I aint seen them in so long, I don't know where they are, and I mighty near forgot them.
- Q You don't know their names? A Two of them, I know.
- Q What are their names? A Griffin Amos and Sweeney Amos.
- Q Their mother was your full sister? A Yes, sir.
- Q What was her name? A Winnie.
- Q What are the names of your sisters who are living? A One Ellen, and Phoebe and Martha. Phoebe Isom, the wife of Calvin Isom, and Ellen Tubbee, the wife of Sampson Tubbee; she also goes by the name of Caroline. And Martha Thompson, the wife of Allison Thompson.
- Q Is Jewett Bell your full brother? A Yes, sir.
- Q Are any of your father's brothers or sisters or any of their children living? A Yes.
- Q How many? A Wash Bell, is all. He is the son of my father's brother; he had a ~~same~~ brother named Harges, who died last fall and left a family; his wife is named Sallie.
- Q Is that all of your father's brothers or sisters or any of their children, who is living? A That's all, and two went off to Nation, I know one died, and one is living.
- Q What's the one that is living named? A Emon Bell, and Taylor Bell died.
- Q Are any of your mother's brothers or sisters living? A No.
- Q Any of the children or grand children of any of them living?
- A No, sir.

(This applicant claims to be possessed of three quarters Choctaw blood; his appearance would indicate that he is possessed of fully that much Indian blood, and he might easily be mistaken for a full blood. He speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter. His habits and customs are those of a full blood Indian, and he associates entirely with the Indians.)

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 24th day of March, 1902, at Seale, 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 5th day of April, 1902.

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

By *[Signature]* Deputy.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory.  
May 31, 1904.

In the matter of the application of Scott Bell for identification as a Mississippi Choctaw. M.C.R. 5037.

Scott Bell, being first duly sworn upon his oath testifies as follows:

Additional testimony of Scott Bell.

Examination by the Commission.

- Q What is your name? A Scott.
- Q Scott Bell? A Yes sir.
- Q How old are you? A First time I told them I was 55 and three years since that.
- Q Fifty-eight now? A I think so; I do not mistake.
- Q Where do you live? A I live at Kiowa.
- Q What Nation? Choctaw Nation? A Yes sir. Choctaw Nation.
- Q Did you come from Mississippi? A Yes sir.
- Q What place? A Neshoba County.
- Q What town? A Philadelphia.
- Q You said your post office in 1902 was Plattsburg. A I lived at Plattsburg last time.
- Q How much Choctaw blood do you claim to possess? A All Choctaw.
- Q How does it come about that on March 24, 1902 at Seal, Mississippi you made the statement that you were only three-quarters blood Choctaw and that your father was one-half white and one-half Choctaw? You made the statement? A Yes sir.
- Q How did it come about that you made that statement? A I did not want to tell a lie; but it was a mistake.
- Q Now, how much Choctaw blood do you claim at this time? A All Choctaw.
- Q Full blood? A Yes sir.
- Q How old were you when your father died? A Little bit of a fellow about five or six years old.
- Q How old were you when your mother died? A She died about the same time.
- Q So you have been an orphan since five or six years old? A Yes sir.
- Q At the time you testified before the Commission at Seal, Mississippi in 1902 you did not know then as a matter of fact how much Choctaw blood your parents had? A No. I did not know at that time.

- Q Since that time from whom did you learn that your parents were full bloods? A Asked my sister.
- Q How old is your sister? A About sixty or sixty-five.
- Q About five or six years older than you are? A Yes sir.
- Q What is her name? A Phoebe Bell; she married; but her husband died several years ago.
- Q Where is she now? A In Mississippi somewhere; three years since I seen them.
- Q Do you know anyone living in Mississippi or in Indian Territory who were acquainted with your father and mother who could testify as to the amount of Choctaw blood they possessed? A I do not know; do not go about Choctaws at all since my father died; a white man raised me.
- Q How old were you when he took you to raise? A Seven or eight years old.
- Q What was the name of your father? A Alex Bell.
- Q What was the name of your mother? A Sallie, I believe that is what my sister told me.
- Q Did you ever learn the name of your grandfather on your father's side? A No.
- Q Or your grandmother on your father's side?
- Q What was your mother's father name? A Beatubbia.
- Q That was your mother's father? A Yes sir.
- Q Do you know the name of your mother's mother? A No.
- Q Did you ever see Beatubbia? A No.
- Q When did he die? A I do not know, could not tell you.
- Q Do you suppose he was living in 1830? A I do not know.
- Q You do not recollect the names of the parents of your father?
- A No.
- Q Do you suppose you will be able to secure evidence of some witness as to the amount of Choctaw blood possessed by your parents?
- A No I expect not.
- Q Have you ever talked with anyone besides your sister regarding the amount of your Choctaw blood? A Yes sir.
- Q And they told you you were full blood? A Yes sir.
- Q Give names of other people told you that. A No one ever told me but my sister.
- Q She is the only one? A Yes sir.
- Q You get your mail at Kiowa now? A Yes sir.
- Q Who brought you over here? A Judge Verney.
- Q He is a white man, is he? A Yes sir.
- Q He paid your railroad fare over here, did he? A Yes sir.
- Q Have you talked with him relative to the statement you made in 1902 and that you intended to change it? A No.
- Q Did he get you to come here and testify? A No come myself.

M.C.R. 5037--3.

- Q No one asked you to come? A No.
- Q Did you make a contract with him? A No I did not make any contract with him. He wanted me to give him one-half of the land. I said, "I would not go at all if I give you that; I would pay money back out of crops for railroad fare."
- Q How long have you been in the Choctaw Nation? A One year and three months.
- Q You been working down there? A Yes sir. Worked all my life since I big enough to work.
- Q Any statement you care to make now? A No I think not.

(Applicant has all appearances of being a full blood Choctaw Indian.)

Daisy D. Daubin, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported all the proceedings had in the above entitled cause at Muskegee, Indian Territory on May 31, 1904 and that the above and foregoing is a full, true and correct transcript of her stenographic notes taken in said cause.

1904.

Subscribed and sworn to before me this 31st day of May,

*Daisy D. Daubin*  
*Charles H. Sawyer*  
Notary Public.



JD

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

-oOo-

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

Scott Bell,	M.C.R. 5037
Hugh Bell,	M.C.R. 4512
Sweeney Amos, et al.,	M.C.R. 5170
Griffin Amos, et al.,	M.C.R. 5169
Bettie Bull, et al.,	M.C.R. 5171
Sampson Tubbee, et al.,	M.C.R. 4869
Will Tubbee, et al.,	M.C.R. 4870
Dick Tubbee, et al.,	M.C.R. 4871
Hickman Thomas, et al.,	M.C.R. 4914
Gibson Walter, et al.,	M.C.R. 4873
Buddy Stribling, et al.,	M.C.R. 4874
Robert Tubbee, et al.,	M.C.R. 5168
Eliza Tubbee, et al.,	M.C.R. 4847
Anderson Ivey,	M.C.R. 4845
Mike Ivey, et al.,	M.C.R. 4848
Bob Ivey,	M.C.R. 2173

---: 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 Scott Bell for himself; by Hugh Bell for himself; by Dibbin  
Marris for Sweeney Amos, his wife, Ida Amos, and his minor child,  
Chickamen Amos; by Dibbin Marris for Griffin Amos, his wife, Lillie  
Amos, and his minor child, Louisa Amos; by Dibbin Marris for Bettie  
Bull and her minor ward, Sickness Thomas; by Sampson Tubbee for

himself, his wife, Caroline Tubbee, and his minor grand-child, Eben Tubbee; by Sampson Tubbee for Will Tubbee, his wife, Becky Tubbee, and his four minor children, Sissie, Emmett, Lee and Ed Tubbee; by Sampson Tubbee for Dick Tubbee and his wife, Lincy Tubbee; by Tom Waiter for Hickman Thomas, his wife, Lonnie Thomas, and his minor child, Ike Thomas; by Sampson Tubbee for Gibson Waiter, his wife, Minnie Waiter, and his two minor step-children, Fannie Jim and Sallie Thomas, and his minor child, Nancy Ann Waiter; by Buddy Stribling for himself and his wife, Malissa Stribling; by Dibbin Harris for Robert Tubbee and his six minor children, Effie, Rachel, Annie, Maisie, Betsy and Addie Tubbee; by Anderson Ivey for Eliza Tubbee and her five minor children, Callie and Clint Ivey and Pat, Leafis and Sidney Tubbee; by Anderson Ivey for himself; by Anderson Ivey for Mike Ivey, his wife, Lisby Ivey, and his three minor children, Eula and Sallie Tuffamah and Susan Ivey; and by Bob Ivey 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 records of the Commission it appears that Ida Ames, wife of the principal applicant in M.C.R. 5170, Lillie Ames, wife of the principal applicant in M.C.R. 5169, Sampson Tubbee, principal applicant in M.C.R. 4869, Becky Tubbee, wife of the principal applicant in M.C.R. 4870, Lincy Tubbee, wife of the principal applicant in M.C.R. 4871, Hickman Thomas, principal applicant in M.C.R. 4914, Gibson Waiter, principal applicant in M.C.R. 4873,

Malissa Stribling, wife of principal applicant in M.C.R. 4874, Robert Tubbee, principal applicant in M.C.R. 5165 and Lisby Ivey, Kula Tuffamah and Sallie Tuffamah, applicants in M.C.R. 4848, who are full-blood Mississippi Choctaw Indians, have been by this Commission duly identified as Mississippi Choctaws under the provision of section forty-one of the act of Congress approved July 1, 1902, (32 Stats., 641). The evidence herein shows that all the other applicants are mixed-blood Choctaws, and as such do not come within the purview of said section.

It also appears that all the applicants herein, except those heretofore identified and Eliza Tubbee, Gallie Ivey and Clint Ivey, applicants in M. C. R. 4847, Mike Ivey and Susan Ivey, applicants in M.C.R. 4848, and the applicants in M.C.R. 4845 and M.C.R. 2173, 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 Alex (or Alec) Bell, who is alleged to have been an one-half blood Choctaw Indian, and Beatubbia, who is alleged to have been a full-blood Choctaw Indian. The evidence herein further shows that said applicants, except those above mentioned, also claim said rights by reason of being descendants either of Barcus, or Wilson Wallace, or Billy Jack (Hon-tubbee), or Long Thomas (or Tom Heatubbee), or Amos, or Hontubbee, or Bicey, or Iahmi (or Iahmahonah), or Ahtookalubbee, or Amos Tuffamah, or Sam Tishcubbee, or Sallie Billey, or Captain Billey (or Iah-tubbee), or Vicoy Thomas, or John Walter (or Imiahtubbee), or Ahtookahlah, or Ahbechunk, or Jim Isaac, or Tom Tubbee (or Scoch Tubbee), or Bob, or Nancy (or Stonah), who are alleged to have been full-blood Choctaw Indians, and Howard, who is alleged to have been an one-half

blood Choctaw Indian, and that the applicants in M.C.R. 4845, M.C.R. 2173, Eliza Tubbee, Callie and Clint Ivey, applicants in M.C.R. 4847, and Mike Ivey and Susan Ivey, applicants in M.C.R. 4048, claim said rights by reason of being descendants of Sophia (or Sophia Sam), 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., 321), nor are any of the applicants herein parties litigant before the Choctaw-Chickasaw Citizenship Court created under the act of Congress approved July 1, 1902, (32 Stats., 641).

It is found that the name Alexander Bell appears on page 227, Amos on pages 405, 569, 631 and 690, Ahbechunkta on page 423, Ahbechunktah on pages 396 and 422, Bob on pages 144, 279 and 845, Sopha on pages 607 and 654, Nancy on pages 333, 256, 506 and 623, Stoneah on pages 716 and 717 on Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. the United States before the Court of Claims No. 12742; and the name Nancy also appears on page 925, Volume II of said record in a number of lists, statements and depositions relating to claims arising under article fourteen of the treaty of eighteen hundred and thirty, but it does not appear from the evidence submitted by the applicants herein that any of the ancestors, through whom they claim except Alex Bell, are identical with any of the persons whose names appear in the re-

ords above cited.

The evidence herein shows that the Alex Bell, through whom all the applicants claim, except those heretofore identified and Eliza Tubbee, Callie Ivey and Clint Ivey, applicants in M.C.R. 4847, Mike Ivey and Susan Ivey, applicants in M.C.R. 4848, and the applicants in M.C.R. 4845 and M.C.R. 2173, is identical with the Alexander Bell whose name appears on page 227 of Volume I of the record above cited; but, inasmuch as the record shows that the case of Alexander Bell was unfavorably adjudicated by Commissioners Murray and Vroom, appointed under the act of Congress approved March 3, 1837, the above applicants are not entitled to any rights as Mississippi Choctaws by reason of such descent.

It is further found that persons bearing the names of Hickatubbee, Amos, Tishoubbe (or Tus-cuppa), Iatubbee, Nancy and Stehna received scrip as beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek," but there is nothing in the testimony of the applicants which tends to show that the persons who received such scrip are identical with any of the persons through whom they claim.

It does not appear from the testimony and evidence offered in support of said 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 Bastubbia, or Barcus, or Wilson Wallace, or Billy Jack (Hontubbee), or Long Thomas (Tom Hicatubbee), or Amos, or Hontubbee, or Bicoy, or Iahai (Iahaihonah), or Ahtookalubbee, or Amos Tuffamah, or Sam Tishoubbee, or Sallie Billey, or Captain Billey (Iantubbee), or Vicoy Thomas, or John Waiter (Imish-tubbee), or Ahtookahlah, or Ahbechunk, or Jim Isaac, or Tom Tubbee

(Secoh Tubbee), or Bob, or Howard, or Sophia (or Sophia Sam), or Nancy (or Stenah), 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 Scott Bell, Hugh Bell, Sweeney Amos, Chickamen Amos, Griffin Amos, Louisa Amos, Bettie Bull, Sickiness Thomas, Caroline Tubbee, Eben Tubbee, Will Tubbee, Sissie Tubbee, Emmett Tubbee, Lee Tubbee, Ed Tubbee, Dick Tubbee, Lonnie Thomas, Ike Thomas, Minnie Waiter, Fannie Jim, Sallie Thomas, Nicy Ann Waiter, Buddy Stribling, Effie Tubbee, Rachel Tubbee, Annie Tubbee, Maisie Tubbee, Betsy Tubbee, Addie Tubbee, Eliza Tubbee, Callie Ivey, Clint Ivey, Pat Tubbee, Leafis Tubbee, Sidney Tubbee, Anderson Ivey, Mike Ivey, Susan Ivey and Bob Ivey, 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.

SIGNED

*Tams Bixby.*

Chairman.

SIGNED

*I. B. Needles.*

Commissioner.

SIGNED

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

SEP 16 1904

M C R 8037

Muskogee, Indian Territory, November 23, 1903.

Scott Bell,

Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, in which you ask to be advised how to proceed to get your allotment.

In reply you are informed that it appears from our records that you made application to this Commission for identification as a Mississippi Choctaw, at Seale, Mississippi, March 24, 1902, but up to the present time no opinion or decision has been reached relative to your right to such identification. When a decision is rendered in your case you will be duly notified.

Respectfully,

Chairman.

M C R 2747

M C R 6367

M C R 5037

Muskogee, Indian Territory, March 1, 1904.

Miss P. W. Hoochee,

#1109 8th Avenue, between 11th & 12th Sts.,

Birmingham, Alabama.

Dear Madam:

Receipt is hereby acknowledged of your letter dated February 10, 1904, in which you ask the status of the applications made by yourself and your father, Tom Fortune, for identification as Mississippi Choctaws. You further ask to be advised of the present post office address of Scott Bell, your uncle, whom you claim has moved from Mississippi to the Choctaw Nation, Indian Territory, and whether or not the Commission has an agent in Mississippi by the name of J. B. Black.

In reply you are advised that on October 24, 1903, the Commission rendered a decision refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Tom Fortune, et al., of which case your application is a part, and on the same date you were notified by registered mail at Memphis, Tennessee, in care of the Waboochee Medicine Co., said letter being addressed to Pearlle Fortune, as that was the name under which you made application, that you would be allowed fifteen days from the date of said decision within which to submit argument



P W H 2

in support of your claim. This letter was returned to this office marked "unclaimed" and is this day remailed you at Birmingham, Alabama.

The fifteen days allowed in this case having expired on November 8, 1903, the record in the consolidated Mississippi Choctaw case of Tom Fortune, et al., together with the decision of the Commission refusing the several applications included therein, was on November 9, 1903, forwarded to the Secretary of the Interior, and up to the present time the Commission has not been advised of any departmental action thereon. When the decision of the Secretary of the Interior in this case is made known to the Commission, you will be duly notified.

The post office of Scott Bell, who formerly resided at Plattsburg, Mississippi, an applicant to this Commission for identification as a Mississippi Choctaw, is shown by our records to be Kiowa, Indian Territory.

You are further advised that the Commission has not authorized any person by the name of J. B. Black to represent it or to act for it in any manner whatsoever.

Respectfully,

7  
Commissioner in Charge.

Muskogee, Indian Territory, April 26, 1904.

Scott Bell,

Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you ask if your name appears upon a full-blood Mississippi Choctaw roll. You state that you are a full-blood Mississippi Choctaw.

In reply to your letter you are informed that it appears from our records that you made application to this Commission for identification as a Mississippi Choctaw, at Seale, Mississippi, March 24, 1902, testifying at that time that you were possessed of three-quarters Choctaw blood; that your father was half white and half Choctaw.

Up to the present time the Commission has not rendered any opinion or decision relative to your rights to identification as a Mississippi Choctaw, but when a decision is rendered in your case, you will be duly notified of such action as may be taken by the Commission.

Respectfully,

Chairman.

COPY: M.C.R. 5037

Muskogee, Indian Territory, September 16, 1904.

Scott Bell,

Kiowa, Indian Territory.

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,

(SIGNEL)

*Jams Bixby.*

Chairman.

Registered.

COPY: M.C.R. 8037

Muskogee, Indian Territory, September 16, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered September 16, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Scott Bell, et al.

You are further notified that the applicants herein 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)

*Tams Bixby.*

Chairman.

Registered.  
Enc. MCR. 8037.

COPY: M.C.R. 5037

Muskogee, Indian Territory, September 16, 1904.

J. G. Halls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Scott Bell, et al., embracing the following applications:

Scott Bell,	M.C.R. 5037
Hugh Bell,	M.C.R. 4512
Sweeney Amos, et al.,	M.C.R. 5170
Griffin Amos, et al.,	M.C.R. 5169
Bettie Bull, et al.,	M.C.R. 5171
Sampson Tubbee, et al.,	M.C.R. 4869
Will Tubbee, et al.,	M.C.R. 4870
Dick Tubbee, et al.,	M.C.R. 4871
Hickman Thomas, et al.,	M.C.R. 4914
Gibson Waiter, et al.,	M.C.R. 4873
Buddy Stribbling, et al.,	M.C.R. 4874
Robert Tubbee, et al.,	M.C.R. 5165
Eliza Tubbee, et al.,	M.C.R. 4847
Anderson Ivey,	M.C.R. 4845
Mike Ivey, et al.,	M.C.R. 4848
Bob Ivey,	M.C.R. 2173

You are further advised that the applicants herein 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 cases together with such arguments as may be

J O R --2

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

Respectfully,

(SIGNED)

*James Bixby.*

Chairman.

Registered.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

WASHINGTON November 12, 1904.

Land.  
74366-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated October 18, 1904, transmitting the record of the consolidated applications for identification by Scott Bell for himself,; by Hugh Bell for himself; by Dibbin Morris for Sweeney Amos, his wife, Ida Amos and his minor child, Chicamon Amos; by Dibbin Morris for Griffin Amos, his wife, Lillie Amos and his minor child, Louisa Amos; by Dibbin Morris for Bettie Bull and her minor ward, Sickiness Thomas; by Sampson Tubbee, for himself, his wife, Caroline Tubbee, and his minor grandchild, Eben Tubbee; by Sampson Tubbee for Will Tubbee, his wife, Becky Tubbee, and his four minor children, Sissie, Ernest, Lee and Ed Tubbee; by Sampson Tubbee for Dick Tubbee and his wife, Liney Tubbee; by Tom Walter for Hickman Thomas, his wife, Lonnie Thomas and his minor child, Ike Thomas; by Sampson Tubbee for Gibson Walter, his wife, Minnie Walter, and his two minor step-children, Fannie Jim and Sallie Thomas,

and his minor child, Nicey Ann Walter; by Buddy Stribling for himself and his wife, Malissa Stribling; by Dibbin Morris for Robert Tubbee and his six minor children, Effie, Rachel, Annie, Maisie, Betsey and Addie Tubbee; by Anderson Ivey for himself; by Anderson Ivey for Mike Ivey, his wife, Lisby Ivey and his three minor children, Eula and Sallie Tuffamah and Susan Ivey, and by Bob Ivey for himself.

From the record it appears that Ida Amos, Lillie Amos, Sampson Tubbee, Becky Tubbee, Liney Tubbee, Hickman Thomas, Gibson Walter, Malissa Stribling, Robert Tubbee, Lisby Ivey, Eula Tuffamah and Sallie Tuffamah have heretofore been duly identified as full-blood Mississippi Choctaws.

September 16, 1904, the Commission decided adversely to all the other applicants.

It appears from the record that all the applicants except those heretofore identified claim rights in the Choctaw lands, under article 14 of the treaty of Dancing Rabbit Creek by reason of being descendants of Alex (or Aleo) Bell, who is alleged to have been an one-half blood Choctaw Indian, and Beatubbia, who is alleged to have been a full-blood Choctaw Indian, or of Barous or of Wilson Wallace, or Billy Jack (Hontubbee), or Long Thomas (or Tom Hicatubbee) or Amos, or Hontubbee, or Bicey, or Iahmi (or Iahmihonah), or Antookalubbee,



or Amos Tuffamah, or Sam Tishcubbee, or Sallie Billey or Captain Billey (or Iah-tubbee), or Visey Thomas, or John Walter (or Imishtubbee), or Ahtookahlah, or Ahbechunk, or Jim Isaac, or Tom Tubbee (or Sarah Tubbee), or Bob, or Nancy (or Stonah), who are alleged to have been full-blood Choctaw Indians, and Howard, who is alleged to have been an one-half blood Choctaw Indian, or of Sophia (or Sophia Sam), who is alleged to have been a full-blood Choctaw Indian.

It appears from the record, and from the records of this office that none of the applicants has ever been recognized, enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any tribunal of the United States.

It does not appear from the record that any of the ancestors through whom the applicants claim, except Alex Bell, are identical with any of the persons whose names appear in the records of this office, and the records show that the case of Alexander Bell was unfavorably decided by Commissioners Murray and Vroon under the act of March 3, 1857.

It further appears that persons bearing the names of Hickatubbee, Amos, Tishcubbe (or Tus-cuppa), Iatubbee, Nancy and Stonah received scrip as beneficiaries under article 14 of the treaty of 1830, but there is nothing in the testimony which tends to show that the persons who received such scrip are identical with any of the persons through whom the applicants claim.

It does not appear from the record or from the records of this office, relating to persons who complied, or attempted to comply, with the provisions of article 14 of the treaty of Dancing Rabbit Creek, and to persons who were heretofore claimants thereunder, that Beatubbia, or Barcus, or Wilson Wallace, or Billey Jack (Montubbee), or Long Thomas (Tom Hicattubbee), or Amos, or Montubbee, or Bicey, or Iahmi (Iahmi-homah), or Ahtookalubbee, or Amos Tuffamah or Sam Tishcubbee, or Sallie Billey, or Captain Billey (Iahntubbee), or Vicoy Thomas, or John Walter (Imiahtubbee), or Ahtookalah, or Ahbe-chunk, or Jim Isaac, or Tom Tubbee (Sooch Tubbee), or Bob, or Howard, or Sophia (or Sophia Sam), or Nancy (or Stonah) or ancestors less remote signified in persons or by proxy to any person an intention to comply with the provisions of article 14 of the treaty of 1830 or presented a claim to rights under subsequent legislation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very Respectfully,

A. C. Tonner  
Acting Commissioner.

M.M.M.  
W.

COPY!

Muskogee, Indian Territory, October 18, 1904

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of Scott Bell et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of September 16, 1904.

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

Scott Bell,	M.C.R. 5037✓
Hugh Bell,	M.C.R. 4812✓
Sweeney Amos et al.,	M.C.R. 5170✓
Griffin Amos et al.,	M.C.R. 5169✓
Bettie Bull et al.,	M.C.R. 5171✓
Sampson Tubbee et al.,	M.C.R. 4869✓
Will Tubbee et al.,	M.C.R. 4870✓
Dick Tubbee et al.,	M.C.R. 4871✓
Hickman Thomas et al.,	M.C.R. 4914✓
Gibson Waiter et al.,	M.C.R. 4873✓
Buddy Stribling et al.,	M.C.R. 4874✓
Robert Tubbee et al.,	M.C.R. 5165✓
Eliza Tubbee et al.,	M.C.R. 4847✓
Anderson Ivey,	M.C.R. 4845✓
Mike Ivey et al.,	M.C.R. 4848✓
Bob Ivey,	M.C.R. 2173✓

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 Na-

Secretary,-2-

tions, have been duly advised by letter of the action of the  
action of the Commission, copies of said letters being attached  
to the record.

Respectfully,

(SIGNED)

*Tarno Bixby*

Chairman.

Through the

Commissioner of Indian Affairs.

2 Incl. MCR 8037.

M C R 5037

Muskogee, Indian Territory, December 10, 1904.

T. H. Foster,  
Attorney at Law,  
South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter, without date, inquiring if the record in the Mississippi Choctaw case of Scott Bell, et al. has been forwarded to the Secretary of the Interior.

In reply you are informed that on September 16, 1904, the Commission rendered a decision refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott Bell, et al., of which action they were duly notified by registered mail on the same date, and further that they would be allowed fifteen days from the date of said decision within which to file arguments in this office to be forwarded with the record in their applications to the Secretary of the Interior for his consideration.

On October 18, 1904, the record in said consolidated case, together with the Commission's decision of September 16, 1904, adverse to the applicants, was transmitted to the Secretary of the Interior, through the Commissioner of Indian Affairs.

T H F 2

When the Commission is advised of departmental action in the consolidated Mississippi Choctaw case of Scott Bell, et al., the applicants will be promptly notified thereof.

Respectfully,

Chairman.

M C R 5037

Muskogee, Indian Territory, December 20, 1904.

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

Gentlemen:

In accordance with your request of the 16th instant,  
copies of testimony in the Mississippi Choctaw case of Scott Bell,  
et al. are herewith enclosed you.

Respectfully,

Chairman.

McM 00

G. R.

D.C. #2541

C O P Y

DEPARTMENT OF THE INTERIOR,  
Washington. LLB

I.T.D. 10897-1904.  
11610- "

January 9, 1905.

L R S

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

Gentlemen:

September 16, 1904, the Commission rendered its decision in the matter of the consolidated applications of Scott Bell et al., M.C.R. 5037, for identification as Mississippi Choctaws, which decision was adverse to the principal applicant, Scott Bell.

On same day, by registered letter, the Commission served notice of its decision upon Scott Bell.

December 19, 1904, said Scott Bell filed with the Department motion for rehearing, and asked that the case be remanded to the Commission to take additional testimony.

Said motion for rehearing is denied for the reason that there is no averment in the affidavit filed in support thereof that said motion is made in good faith, and not for the purpose of delay, nor is the affidavit of the party supported by any affidavits such as would warrant the remanding of the case to the Commission to take further testimony.

Respectfully,

THOS RYAN

Acting Secretary.



M C R 5037

Muskogee, Indian Territory, January 24, 1905.

Scott Bell,

Kiowa, Indian Territory.

Dear Sir:

You are hereby notified that the motion heretofore made before the Secretary of the Interior to re-open the application made by you for identification as a Mississippi Choctaw was denied by the Department on January 9, 1905; a copy of the letter of the Secretary of the Interior being herewith enclosed.

Respectfully,

Chairman.

McM CO

M C R 5037

Muskogee, Indian Territory, January 24, 1905.

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

Gentlemen:

For your information there is herewith enclosed copy of departmental letter of January 9, 1905, denying the motion of Scott Beal for a re-opening of his application for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

McM 100

(COPY)

G.R.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.  
D.C. 5823-1908,  
I.T.D. 10297-1908,  
10573-1904,  
11610-1904.

RJH

January 31, 1905.

LRS

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

Gentlemen:

October 18, 1904, you transmitted the record of the consolidated applications of Scott Bell, et al., M. C. R. 5037, et al., for identification as Mississippi Choctaws, including your decision of September 16, 1904, denying to the following named mixed blood Choctaws: Scott Bell, Hugh Bell, Sweeney Amos, Chickamon Amos, Griffin Amos, Louisa Amos, Bettie Bull, Sickness Thomas, Caroline Tubbee, Eben Tubbe, Will Tubbee, Sissie Tubbee, Emmett Tubbee, Lee Tubbee, Ed Tubbee, Dick Tubbee, Lonnie Thomas, Ike Thomas, Minnie Waiter, Fannie Jim, Sallie Thomas, Nicy Ann Waiter, Buddy Stribling, Effie Tubbee, Rachel Tubbee, Annie Tubbee, Maisie Tubbee, Betsey Tubbee, Addie Tubbee, Eliza Tubbee, Callie Ivey, Clint Ivey, Pat Tubbee, Leafis Tubbee, Sidney Tubbee, Anderson Ivey, Mike Ivey, Susan Ivey and Bob Ivey, the right to be identified as such.

It appears from the records of the Commission that Ida Amos, wife of the principal applicant in M. C. R. 5170, Lillie Amos, wife of the principal applicant in M. C. R. 5169, Sampson Tubbee, principal applicant in M. C. R. 4869, Becky Tubbee, wife

of the principal applicant in M. C. R. 4870, Liney Tubbee, wife of the principal applicant in M. C. R. 4871, Hickman Thomas, principal applicant in M. C. R. 4914, Gibson Waiter, principal applicant in M. C. R. 4873, Malissa Stribling, wife of the principal applicant in M. C. R. 4874, Robert Tubbee, principal applicant in M. C. R. 5165 and Lisby Ivey, Eula Tuffamah and Sallie Tuffamah, applicants in M. C. R. 4848, who are full-blood Mississippi Choctaw Indians, have been by the Commission duly identified as Mississippi Choctaws under the provision of section forty-one of the act of Congress approved July 1, 1902, (32 Stats., 641).

The Department finds from the records in its possession that of the above named persons so identified by the Commission as full-blood Choctaw Indians, that the names of Becky Tubbee and Robert Tubbee are entered as full-bloods upon the roll of identified Mississippi Choctaws approved by the Acting Secretary of the Interior May 21, 1904, opposite roll numbers, respectively, 1997 and 2002 thereon; that the names of Lisbey Ivey, Eula Tuffamah, Sallie Tuffamah, Liney Tubbee, Malissa Stribling and Lille Amos are entered on the roll of identified Mississippi Choctaws approved by the Secretary of the Interior July 2, 1904, opposite roll numbers, respectively, 2200, 2201, 2202, 2205, 2206 and 2240 thereon; that the names of Sampson Tubbee, Gibson Waiter, Hickman Thomas and Ida Amos are entered upon the roll of identified Mississippi Choctaws approved by the Acting Secretary of the Interior July 16, 1904, opposite roll numbers, respectively, 2107, 2108, 2122 and 2154 thereon.

-3-

November 12, 1904, the Acting Commissioner of Indian Affairs, reporting in the matter, recommended that your decision of September 16, 1904, therein, be affirmed. A copy of his letter is herewith inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan  
Acting Secretary.

1 inclosure.

H. C. R. 5037

COPY.

Muskogee, Indian Territory, February 10, 1905.

Scott Bell,

Kiowa, Indian Territory,

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)

*Tams Bixby*

Chairman.

COPY!

Muskogee, Indian Territory, February 10, 1905.

T. N. Foster,

Attorney at Law,

South McAlester, Indian Territory,

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, rendered September 16, 1904, refusing the applications for identification as Mississippi Choctaws of Scott Bell, Hugh Bell, Sweeney Amos, Chickamon Amos, Griffin Amos, Louisa Amos, Bettie Bull, Sickiness Thomas, Caroline Tubbee, Eben Tubbee, Will Tubbee, Sissie Tubbee, Emmett Tubbee, Lee Tubbee, Ed Tubbee, Dick Tubbee, Lonnie Thomas, Ike Thomas, Minnie Walter, Fannie Jim, Sallie Thomas, Nancy Ann Walter, Buddy Stribling, Effie Tubbee, Rachel Tubbee, Annie Tubbee, Maisie Tubbee, Betsy Tubbee, Addie Tubbee, Eliza Tubbee, Callie Ivey, Clint Ivey, Pat Tubbee, Leafie Tubbee, Sidney Tubbee, Anderson Ivey, Mike Ivey, Susan Ivey and Bob Ivey, included in the consolidated case of Scott Bell et al.

Respectfully,

(SIGNED)

*Tams Bixby*

Chairman.

COPY.

M.C.R. 5037

Muskogee, Indian Territory, February 10, 1906.

J. G. Ralls,  
Attorney at Law,  
Akoka, Indian Territory,

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 applications for identification as Mississippi Choctaws of Scott Bell, Hugh Bell, Sweeney Amos, Chickamon Amos, Griffin Amos, Louisa Amos, Bettie Bull, Sickness Thomas, Caroline Tubbee, Eben Tubbee, Will Tubbee, Sissie Tubbee, Emmett Tubbee, Lee Tubbee, Ed Tubbee, Dick Tubbee, Lonie Thomas, Ike Thomas, Minnie Waiter, Fannie Jim, Sallie Thomas, Nancy Ann Waiter, Buddy Stribling, Effie Tubbee, Rachel Tubbee, Annie Tubbee, Maisie Tubbee, Betsey Tubbee, Addie Tubbee, Eliza Tubbee, Callie Ivey, Clint Ivey, Pat Tubbee, Leafis Tubbee, Sidney Tubbee, Anderson Ivey, Mike Ivey, Susant Ivey and Bob Ivey, 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,

*Jame Bixby*

Chairman.



7302  
COPY.

N. C. R. 5037

Muskogee, Indian Territory, February 10, 1905.

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

Gentlemen:

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 applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Scott Bell et al., a copy of which decision was mailed you on the 16th day of September 1904.

Respectfully,

(SIGNED).

*Tams Dixby*

Chairman.

M C R 5165

Muskogee, Indian Territory, May 15, 1906.

Effie Tubbee,  
Marietta, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 12th instant, requesting to be advised on what grounds your application for identification as a Mississippi Choctaw was refused, and as to what further action you should take in the matter.

In reply there is enclosed you herewith a copy of the decision of the Commission to the Five Civilized Tribes rendered September 16, 1904, refusing the several persons in the consolidated Mississippi Choctaw case of Scott Bell, et al. In said decision the reasons for the denial of your application are fully set forth.

The Secretary of the Interior on January 31, 1906, affirmed the decision of said Commission, and this office now has no authority to take any further action in your case.

Respectfully,

Acting Commissioner.

*MAM 15/5*

M C R 5037  
M C R 5166

Muskogee, Indian Territory, July 31, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Scott Bell, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of September 16, 1904, denying certain mixed blood applicants therein, was, on October 18, 1904, forwarded the Department.

January 31, 1905 (I T D 5823-1905; 10297, 10573, 11610-1904), the Department affirmed the decision of said Commission above referred to.

June 5, 1906, this office received from Robt. E. Lee, attorney at law, Ardmore, Indian Territory, a motion for a rehearing of the applications of certain persons named in said petition, who are parties applicant in the above consolidated Mississippi Choctaw case. The motion is herewith transmitted.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

MoM 31/2

M C R 5037

M C R 5166

Muskogee, Indian Territory, July 31, 1906.

Robt. E. Lee,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Referring to the motion for rehearing of the Mississippi Choctaw applications of Effie Tubbee, et al., transmitted with your letter of June 4, 1906, you are advised that said motion has this day been forwarded to the Secretary of the Interior.

Respectfully,

Commissioner.

MCR 8437

COPY

Muskogee, Indian Territory, December 29, 1906.

J. E. Whitehead,  
Attorney at Law,  
South McAlester, Indian Territory.

Dear Sir :--

Receipt is hereby acknowledged of your letter of the 24th instant, requesting to be advised the present status of Scott Bell, a Mississippi Choctaw applicant.

The records of this office show that Scott Bell was denied identification as a Mississippi Choctaw by decision of the Commission to the Five Civilized Tribes, rendered September 16, 1904. This action was approved by the Secretary of the Interior January 31, 1905.

His application as it now stands is closed.

Respectfully,

SIGNED *Tams Bixby.*  
Commissioner.

1912.

No. 5037

For Identification as a Mississippi Choctaw.

Seale, Miss. Date

MAR 24 1902

Name Scott Bell

Age 55 Blood 3/4

Post Office, Plattsburg, Miss.

Father: Alex. Bell d

Mother: Sallie " d

Claims through father 1/2 -  
mother (?)  
For proof only

Miss Choctaw # 2 2 0 5

Children:

Stenographer

P. J. Street

Choctaw MCR 5038

King Isaac

MCR 5038

5038

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Seale, Mississippi, March 24, 1902.

In the matter of the application of King Isaac for the identification of himself, his wife, Eliza, his minor step child, Willie Cotton, minor brother, Rogers Isaac, and minor sister, Siss Isaac, as Mississippi Choctaws.

King Isaac, 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 King Isaac.
- Q How old are you? A Going on twenty two.
- Q How much Choctaw blood have you? A Full blood.
- Q What's your post office address? A Aden, Mississippi.
- Q You live in Neshoba County? A Yes.
- Q How long have you lived in Neshoba County? A All my life.
- Q Is your father living? A No.
- Q What was his name? A Wiley Isaac.
- Q Is your mother living? A No.
- Q What was her name? A Lucy.
- Q Were both of them full bloods? A Yes.
- Q Did they always live in Mississippi? A Yes.
- Q Did either of them have a Choctaw name? A No.
- Q Do you know the name of your father's father? A No.
- Q Or his mother? A No.
- Q Do you know the name of your mother's father? A No.
- Q Or your mother's mother? A No.
- Q Don't know the names of any of your ancestors except your father and mother, then? A Yes.
- Q Are you married? A Yes.
- Q Wife living? A Yes.
- Q What's her name? A Eliza.
- Q Are you living with her now? A Yes.
- Q Were you married to her under a license or according to the Choctaw custom? A Choctaw custom.
- Q How long have you lived with her? A A little over a year.
- Q How much Choctaw blood has she? A Full blood.
- Q Do you want to give in her name, too? A Yes.
- Q About how old is she? A About thirty; heap older than I am.
- Q Has she always lived here in Mississippi? A Yes.
- Q And is her father living? A No.
- Q What was his name? A Joe.
- Q Did he have any other names? A Joe Bell, I reckon.
- Q Was he a full blood Choctaw Indian? A Yes.
- Q How long has he been dead? A Over a year, I think.
- Q Did he live here in Mississippi all his life? A Yes.
- Q About how old was he when he died? A About one hundred or over.
- Q Didn't he have a Choctaw name? A Just heard his name was Joe.
- Q Do you know the name of his father or his mother? A No.
- Q Is your wife's mother living? A No.



King Isaac, et al., 2.

- ✓ Q What was her name? A I don't know.
- ✓ Q Was she a full blood Choctaw? A Yes.
- Q Did she live in Mississippi all her life? A I reckon so.
- Q Do you know the name of her father or her mother? A No, sir, I don't know.
- Q Have you any children living? A No.
- Q Have you a minor orphan brother and minor orphan sister living? A Yes.
- Q What are their names? A Rogers Isaac.
- Q How old? A About eighteen, I expect.
- Q Sister? A Siss.
- Q How old is she? A About nine.
- Q Are they your full brother and sister? A Yes.
- Q They are both living at this time, are they? A Yes.
- Q Where do they live? A Rogers lives near Philadelphia, and works for W.M. Lewis, and Siss lives with Tom Isaac, near Aden.
- Q Has any application been made for either of them to the Commission within the last year? A No, I don't think there has.
- Q Have you had the care of these children since their parents died? A Yes.
- ✓ Q You want to make application for them, do you? A Yes.
- ✓ Q This application, then, is for yourself, and wife and minor brother and minor sister? A Yes.
- Q Is your name, or your wife's name, or the name of this minor brother or sister to be found upon any of the Choctaw tribal rolls in Indian Territory? A No.
- Q Has any application of any description ever been made for either of you before to-day? A Yes, I guess I gave in the name of myself and the name of my brother and sister three years ago at Philadelphia; I don't think any application of any kind has ever been made for my wife before to-day?

The records of the Commission show that on the first day of February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Caine Isaac, Rogers, Isaac, and Siss Isaac, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 294; also, upon page 73 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 identify of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of Dancing Rabbit Creek, being Numbers 1016, 1017 and 1018, respectively, thereon.

- Q Is that application made three years ago, the only application that has ever been made for any of you? A Yes.
- Q Is your name Caine or King? A King.
- 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 brother and minor sister, under the 14th article of the treaty of Dancing Rabbit Creek? A Yes.
- Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes.

King Isaac, et al., 3.

Q You have heard today the examination in full of Scott Bell, have you not? A Yes.

Q Did any of your ancestors, or any of your wife's 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 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 the treaty of Dancing Rabbit Creek was made? A No, I don't know anything about it that far back.

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?

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 the 14th article of the treaty of Dancing Rabbit Creek? 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 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 1839 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, 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.

King Isaac, et al., 4.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided 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 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 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, or any of your wife's ancestors, ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know of any one.

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 don't know.

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

Q Any witnesses here to-day? A No.

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

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any one of our appointments here in Mississippi this spring, including the one at Meridian, Mississippi, April 14th to 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 Did you ever see or hear of any deed or patent issued to any of your ancestors, or any of your wife's ancestors, covering land here in Mississippi? A Never did.

Q Have you any brothers or sisters living besides the two for whom you have made application? A No.

Q Have you any brothers or sisters dead who left children? A No.

Q Has your wife any brothers or sisters living? A No, none living all dead.

Q Are any of the children of any of her deceased brothers or sisters living? A No children living.

Q Are any of your father's brothers or sisters, or any of their children living? A No.

Q Are any of your mother's brothers or sisters, or any of their children living? A Silman Bell is my mother's brother; that's the only one that is living.

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.

✓ Q Are there any further statements you want to make? A I forgot to

King Isaac, et al., 5.

- ✓ state that my wife has a child by a former husband, and I want to give in the name of that child.
- ✓ Q What's the name of that child? A Willie.
- ✓ Q How old is Willie? A Five years old.
- ✓ Q Is he a full blood Choctaw? A Yes.
- ✓ Q Is he living with you now? A Yes.
- ✓ Q What was his father's name? A Charley Cotton.
- ✓ Q Is he living? A No, dead.
- ✓ Q How long has he been dead? A About two years.
- ✓ Q He was a full blood, was he? A Yes.
- ✓ Q Has your wife any other children living? A No.
- Q What's the name of Charley Cotton's father? A I don't know; I just heard them call him Cotton.
- Q Is he living? A Dead.
- ✓ Q Is Charley Cotton's mother living? A Yes.
- ✓ Q What's her name? A Lah-te-mah.
- Q Is she married? A Yes, wife of Tom Kate.
- Q Do you know the names of any of Charley Cotton's grand parents? A No.
- Q Do you know whether any of the ancestors of Charley Cotton 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 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 I don't know.
- Q Do you know whether any of them lived here at that time? A I don't know.
- Q Do you know whether any of them got any land from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Never did hear it if they did.
- Q Do you know whether any of them ever got any scrip from the Government of the United States under the Act of Congress approved on the 23rd day of August, 1842? A I don't know.
- Q Do you know of any old person who would likely be informed on these points? A I don't know of any one.
- Q Don't know of any written evidence which would prove or tend to prove such a state of facts, do you? A No.
- Q You have no witnesses, or written evidence, to offer in support of the application which you make in behalf of Willie Cotton? 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 partially in English, and partially through a sworn Choctaw interpreter.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 24th day of March, 1902, at Seale, 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*

King Isaac, et al., &

Subscribed and sworn to before me at Seale, Mississippi, this  
5th day of April, 1902.

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

By

*J. M. W.*

Deputy.

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

-----oOo-----

In the matter of the application of King Isaac, et al.,  
for identification as Mississippi Choctaws, M C R 5038.

--o--

-----: I N D E X :-----

--o--

	Page
Original application of King Isaac, et al., for identification as Mississippi Choctaws,-----	1
Decision of the Commission identifying the above applicants,-----	7

-o-

Department of the Interior  
Commission to the Five Civilized Tribes  
Chickasaw Land Office  
Tishomingo, I.T.  
August 27, 1903.

In the matter of the removal to and settlement within the Choctaw-Chickasaw Country of King Isaac, his wife Eliza, his minor sister Siss Isaac and his minor step child Willie Cotton, Mississippi Choctaw card 467, Mississippi Choctaw roll numbers 1354, 1355, 1357 and 1358.

King Isaac being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A King Isaac.  
Q What is your age? A Twenty-three.  
Q What is your post office address? A Ardmore.  
Q What is the name of your father? A Wiley Isaac.  
Q What is the name of your mother? A Lucy Isaac.  
Q Are you a full blood Mississippi Choctaw? A Yes.  
Q Are you married? A Yes.  
Q What is the name of your wife? A Eliza Isaac.  
Q Who is Eliza's father? A Joe Bell.  
Q Who is Eliza's mother? A I don't know.  
Q Have you any children of your own? A No.  
Q For whom do you wish to select an allotment of land? A Myself, Siss Isaac, Wife and Willie Cotton.  
Q What relation is Siss Isaac to you? A Sister.  
Q Full sister? A Half sister.  
Q Same father and different mothers? A Yes.  
Q Who was the mother of Siss Isaac? A Rena Isaac.  
Q What relation is Willie Cotton to you? A Step son.  
Q Who is Willie Cotton's father? A Charlie Cotton.  
Q Are Eliza and Siss and Willie Cotton full blood Mississippi Choctaw Indians? A Yes.  
Q Are they all living with you now? A Yes.  
Q What was your post office address in Mississippi? A Aden.  
Q When did you leave Mississippi and come to the Choctaw-Chickasaw Country? A February 28th 1903.  
Q Did you come directly to the Indian Territory from Mississippi? A Yes.  
Q Where did you locate in the Indian Territory? A Ardmore.  
Q Did you bring your household goods with you? A No.  
Q What did you do with them? A Sold them.  
Q Do you intend to reside permanently in the Choctaw-Chickasaw Country? A Yes.  
Q What will be your permanent post office address? A Ardmore.  
Q Are you the identical King Isaac who with his wife Eliza and sister Siss Isaac and step son Willie Cotton was identified by the Commission as Mississippi Choctaw Indians on April 17th 1903? A Yes.  
Q Have you been appointed guardian of Siss Isaac and Willie Cotton? A Yes.

There is offered in evidence, marked exhibit A letters of Guardianship issued by the County and Probate Judge of Pickens County, Chickasaw Nation appointing King Isaac guardian of Siss Isaac and Willie Cotton.

Helen C. Miller being first duly sworn upon her oath states that she is stenographer for the Commission to the Five Civilized Tribes she reported the above proceedings on the 27th day of August 1903 and that this is a correct transcript of her stenographic notes.

*Helen C. Miller*

Subscribed and sworn to before me this Sep 9 1903.

*J. H. Williams*  
Notary Public.

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

--:)))))(O)(((((:--

In the matter of the application of King Isaac, et al.,  
for identification as Mississippi Choctaws, M C R 5038.

-----: 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 March 24, 1902, by King Isaac, for himself, his wife, Elza Isaac,  
his minor brother, Rogers Isaac, his minor sister, Siss Isaac, and  
his minor step-child, Willie Cotton, 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 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:

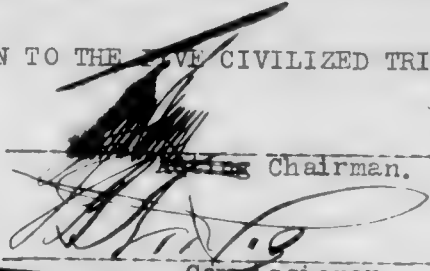
"The application of no person for identification as a  
Mississippi Choctaw shall be received by said Commission after  
six months subsequent to the date of the final ratification of  
this agreement and in the disposition of such applications all  
full-blood Mississippi Choctaw Indians and the descendants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

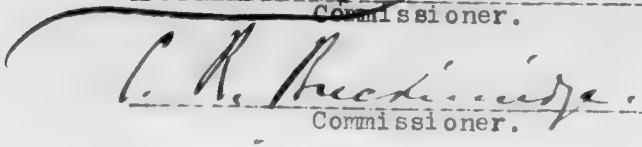


moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, 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 Choctaw so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that King Isaac, Eliza Isaac, Rogers Isaac, Siss Isaac and Willie Cotton should be identified as Mississippi Choctaws, and it is so ordered.

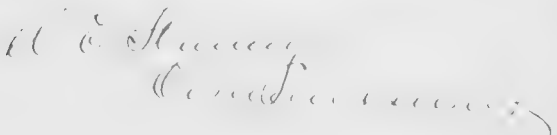
COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
King Chairman.

  
Commissioner.

Muskogee, Indian Territory,

APR 17 190



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

-----000-----

In the matter of the application of King Isaac, et  
al., for identification as Mississippi  
Choctaws, M C R 5038.

-0-

Ardmore, I. T. February 17, 1903.

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

You will please deliver to J. G. Ralls, of Atoka, Indian Territory, any copies of records in my case, that under the rule of law, the Commission may give out to attorneys, as I have employed him to assist me in this case.

WITNESSES TO MARK:

Anna Tippet  
J. B. Barnes

86 King Isaac  
-mark

King Isaac also applied for his wife and  
Eliza, and one child Willie.

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 King Isaac, his wife, Elize Isaac, his brother, Rogers Isaac, his sister, Siss Isaac and his step-son, Willie Cotton, 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 within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said King Isaac, his wife, his brother, sister and step-son 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,

REIGNED

*Tame Dixby*

Chairman.

Registered.  
Enc.: 5038.

M.C.R. 5038.

COPY.

Muskogee, Indian Territory, May 4, 1903.

King Isaac,

Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying yourself, your wife, Eliza Isaac, your brother, Rogers Isaac, your sister, Siss Isaac, and your minor step-child, Willie Cotton, 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)

*Tams Bixby.*  
Chairman.

Registered.

Enc. 5038.

Muskogee, Indian Territory, May 20, 1903.

King Isaac,  
Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you ask "Please send me a ticket of admission to the Chickasaw Land Office."

In reply you are informed that it appears from our records that on April 17, 1903, the Commission rendered its decision identifying you, your wife, Eliza Isaac, your brother, Rogers Isaac, your sister, Siss Isaac, and your minor step-child, Willie Cotton, as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations, of which action you were duly advised on May 4, 1903.

The action of the Commission in identifying you as a Mississippi Choctaw has not yet been approved by the Secretary of the Interior, and until such approval no ticket of admission can be furnished you, but upon approval of your identification by the Secretary a ticket will be furnished you upon application for the same at the Chickasaw Land Office.

Respectfully,

Chairman.

M C R 1906  
M C R 5035  
M C R 1901

Muskogee, Indian Territory, May 9, 1904.

Southern Investment Company,

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 27th  
ultimo, enclosing applications for the enrollment of Lemmie Isaac,  
Johnson John and George John, as citizens of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

IN RE  
THE DEATH OF

*Roger Isaac.*

~~Commissioner of the~~

*Nation.*

---

*Approved*

190

*Commissioner.*

---



321

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

In the matter of the death of Rogers Isaac  
(Here insert name of deceased.)  
 a citizen of the MISSISSIPPI CHOCTAW Nation, who formerly resided at or near  
Admore Ind. Ter., and died on the 30<sup>th</sup> day of  
January, 1903  
(Here insert name of postoffice.)

**AFFIDAVIT OF RELATIVE.**

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Southern DISTRICT. }

I, King Isaac, on oath state that I am 16  
 years of age and a citizen by CHOCTAW of the \_\_\_\_\_ Nation;  
 that my postoffice address is Admore, Ind. Ter.; that I am  
brother of Rogers Isaac  
(State relationship: as the father; an uncle; a cousin, etc.) (Here insert name of deceased.)  
 who was a citizen by \_\_\_\_\_ of the \_\_\_\_\_ Nation  
 and that said Rogers Isaac died on the 30<sup>th</sup> day of  
January, 1903  
 WITNESSES TO MARK: King Isaac

(Must Be Two Witnesses.)

Subscribed and sworn to before me this 23<sup>rd</sup> day of June, 1906  
H. C. Miller  
 Notary Public.

**AFFIDAVIT OF ACQUAINTANCE.**

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Southern DISTRICT. }

I, Robinson Willis, on oath state that I am 36  
 years of age, and a citizen by MISSISSIPPI CHOCTAW of the \_\_\_\_\_ Nation;  
 that my postoffice address is Admore, Ind. Ter.;  
(Here insert name of postoffice.)  
 that I was personally acquainted with Rogers Isaac  
(Here insert name of deceased.)  
 who was a citizen by \_\_\_\_\_ of the \_\_\_\_\_ Nation;  
 and that said Rogers Isaac died on the 30<sup>th</sup> day of  
January, 1903  
 WITNESSES TO MARK: Robinson Willis

(Must Be Two Witnesses.)

Subscribed and sworn to before me this 23<sup>rd</sup> day of June, 1906  
H. C. Miller  
 Notary Public.

21-467  
Miss Choe 1358  
32

---

**IN RE  
THE DEATH OF**

.....  
*a citizen of the*

..... *Nation.*

---

*Approved* ..... *190*.....

.....  
*Commissioner*

---

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Rogers Isaac (Here insert name of deceased) Miss Choctaw Indian a citizen of the Ardmore Nation, who formerly resided at or near Ardmore, Ind. Ter., and died on the 29th day of January, 1903

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Southern District.

I, Robinson Willis, on oath state that I am 31 years of age and a citizen, by Miss Choctaw Indian of the Ardmore Nation; that my post office address is Ardmore Ind. Ter.; that I am the cousin of Rogers Isaac (State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased) who was a citizen, by Miss Choctaw Indian of the Ardmore Nation; and that said Rogers Isaac died on the 29 day of January, 1903

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 11 day of November 1903 J. H. Rogers Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

District.

I, on oath state that I am years of age, and a citizen, by of the Nation; that my post office address is (Here insert name of post office) Ind. Ter.; that I was personally acquainted with (Here insert name of deceased) who was a citizen by of the Nation; and that said (Here insert name of deceased) died on the day of

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this day of 190

Notary Public.

#1973

No. 5038

For Identification as a Mississippi Choctaw.

Deale Miss. Date

MAR 1902

Name King Isaac

Age 21 Blood full

Post Office, Aden Miss.

Father: Wiley Isaac d

Mother: Lucy " d

Claims through

wife Eliza Isaac (full) 30 d

Father Jor Bell d

Mother - don't know - d

For see wife no more brother & sister and

Stepson

Children:

Rogers Isaac 18

Siss " " of King Isaac. 9

Willie Cotton (full) 5 d

Father Charley Cotton " d

Miss. Choctaw 24 20  
to King, Rogers & Siss.

Stenographer

R. J. Street

Choctaw MCR 5039

Isiah E. Bazer

See MCR 5040

MCR 5039

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

-----

In the matter of the application of Isiah H. Baser, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Isiah H. Baser, et al.,           M.C.R. 5039  
Jasper F. Farmer,               M.C.R. 5040

-----  
List of papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of Isiah H. Baser, et al.

	Page.
Original application of Isiah H. Baser, et al., for identification as Mississippi Choctaws - - - - -	1
Affidavit of Nancy E. Pugh in support of the application - - - - -	6
Joint affidavit of Joshua Meats and Martha Meats in support of the application - - - - -	9
Affidavit of Ambers Leslie in support of the application - - - - -	9
Affidavit of I. H. Baser in support of the application - - - - -	11
Affidavit of Andy Barnett in support of the application - - - - -	12
Affidavit of P. L. Johnson, solemnizing the marriage of Isiah Baser and Josephine Black - - - - -	13
Affidavit of Isiah Baser in support of the application - - - - -	14

Affidavit of Isiah Baser as to materiality and residence of witnesses - - - - -	15
Notice of Isiah Baser to Mansfield, McMurray & Cornish to take depositions - - - - -	16
Commission to take depositions issued by Commission to the Five Civilized Tribes - - - - -	17
Caption to deposition - - - - -	18
Deposition of Andrew Bonner - - - - -	19
Certificate of notary public to deposition of Andrew Bonner - - - - -	20
Commission to take depositions issued by the Commission to the Five Civilized Tribes - - - - -	30
Caption of deposition of Ambrose Leslie - - - - -	31
Interrogatories to deposition of Ambrose Leslie - - - - -	32
Deposition of Ambrose Leslie - - - - -	34
Certificate of notary public to deposition of Ambrose Leslie - - - - -	44
Original application of Jasper F. Farmer for identification as a Mississippi Choctaw - - - - -	46
Petition for identification of J. F. Farmer to the Dawes Commission - - - - -	52
Notice of Jasper F. Farmer to Mansfield, McMurray & Cornish to take depositions - - - - -	54
Affidavit of Jasper F. Farmer as to materiality and residence of witnesses - - - - -	55
Commission to take depositions issued by the Commission to the Five Civilized Tribes - - - - -	56
Caption to deposition of Ambrose Leslie - - - - -	57
Interrogatories to deposition of Ambrose Leslie - - - - -	58

Deposition of Ambrose Lealia - - - - -60

Certification of Ambrose Lealia in deposition of  
Ambrose Lealia - - - - - 70

Decision of the Commission refusing the consolidated applica-  
tion of Isaiah B. Emery, et al., for identification as  
Mississippi Choctaws - - - - - 72



Department of the Interior.  
Commission on to the Five Civilized Tribes.  
Muskogee, I.T. March 31, 1902.

5039

In the matter of the application for identification as Mississippi Choctaws of Isiah Bazer for himself and his four minor children, Dennis, Minnie, Richard and Maud Bazer.

Not represented by attorney.

Isiah Bzer being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A I. E. Bazer.  
Q What does the "I" stand for? A I-s-i-a-h.  
Q What is the last name? A B-a-z-e-r.  
Q What is your age? A I am fifty-seven, born in forty-four.  
Q What is your post office address? A Spivey, Texas.  
Q How long have you lived at Spivey? A About nine years.  
Q Where did you live before you lived there? A I lived up in Panola County, a while; I have been in Texas about twenty-five years.  
Q Where were you born? A DeSoto Parish Louisiana.  
Q Did you live there until you went to Texas? A Yes, sir.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A Joe Bazer.  
Q What was your mother's name? A Mary Ann.  
Q Through which parent do you claim Choctaw blood? A My mother  
Q How much Choctaw blood do you claim? A About one-fourth.  
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.  
Q Is your wife living? A Yes, sir.  
Q Is she an Indian or a white woman? A She is a white woman I guess.  
Q What is her name? A Josephine, she was a Blake.  
Q You make no claim for her then? A No, sir.  
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A Four.  
Q What is the name of the oldest? A Dennis.  
Q How old is Dennis? A He is eighteen years old.  
Q Next? A Minnie? A  
Q How old is Minnie? A Fifteen--Richard.  
Q How old is Richard? A He is eleven I believe.  
Q The next? A Maud?  
Q How old is Maud? A She is seven years old.  
Q Is that all? A That is all under age.  
Q You claim for yourself and these children do you? A Yes, sir.  
Q Is Josephine the mother of these children? A Yes, sir; there is some more over age.  
Q They will have to make application for themselves? A Yes, sir  
Q Josephine the mother of these children? A Yes, sir.  
Q Was she ever married before her marriage to you? A No, sir.  
Q You ever married before? A No, sir.  
Q These children are living with you at your home? A Yes, sir.  
Q Have you proof of your marriage with your wife with you now? A No, sir.  
Q You think you can introduce that later if given time? A Yes, sir.

A reasonable time will be allowed for that purpose.

- Q You know when and where you were married to your wife? A Yes, sir.
- Q When and where? A Panola County, Texas.
- Q You know when? A Yes, in sixty-eight, about sixty-eight.
- Q You remember the day of the month? A 26th of January.
- Q By a minister? A By a Justice of the peace on the 6th day of January.
- 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 citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q Have you or 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 to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q You understand that article of that treaty? A Not well, I don't.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians who at that time lived in Mississippi in the old Choctaw Nation, partly in Mississippi and partly in Alabama. This treaty was made on the 27th day of September 1830 and was ratified afterwards on the 24th day of February 1831. The treaty is some times called the treaty of Dancing Rabbit Creek because it was made at that place in Mississippi. The object of that treaty was to remove all of the Choctaw Indians as far as practicable from that old Choctaw Nation East of the Mississippi River 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 the interests of those Choctaw Indians who preferred to stay back in the old Choctaw Nation article fourteen was put into the treaty. 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 think you understand that article well enough to claim under it? A Yes I think so.
- Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article as read and explained to you? A I don't think they did.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Huckaby.
- Q How do you spell that? A I don't know.
- Q Now do you think that H-u-c-k-a-b-y is right? A I don't know I never heard anybody spell it.
- Q Is that an Indian or English name? A I don't know.
- Q Is that the only name you know? A Yes, sir.
- Q You don't know of any Christian name? A No, sir.
- Q What relation was Huckaby to you? A Great grandfather.
- Q Did he live in Mississippi? A Yes, sir.
- Q Did he live there in the year 1830? A Well I don't know that he did; my parents travelled; I heard my mother say that her people came from Mississippi to Alabama and lived in the Choctaw Nation in Alabama before coming to Louisiana in 1834?
- Q Do you know of any relative of yours through whom you claim your Choctaw blood who lived in Mississippi in 1830 and was the head of a family then? A No, sir.
- Q You claim your Choctaw blood through your mother? A Yes, sir.
- Q How old would she be if living now? A She was born in 1809 or twelve, I forgot which. I have the record at home.
- Q Where was she born? A In Alabama.
- Q What part of Alabama? A I don't know, either Choctaw or Chickasaw Nation. I heard her speak of both Nations.
- Q You don't know the county in which she was born? A No, sir; I never heard her say anything about the County.
- Q What was her father's name? A My mother's father?
- Q Yes, sir? A Billy Parrot.
- Q What was his wife's name, Billy Parrot's wife's name? A I don't remember.
- Q Through which parent did your mother claim her Choctaw blood? A Grandmother.
- Q Through which parent; Billy Parrot or his wife? A His wife.
- Q But you don't know her name? A No, sir.
- Q How she was living there in Alabama, was she not, in 1830? A Yes, sir.
- Q She had a family there then did she not? A I guess she did.
- Q Because your mother you say was born in 1809 or twelve in Alabama? A Yes, sir.
- Q You claim your Choctaw blood then through Billy Parrot's wife would you not? A Yes, sir.
- Q But you don't know her name? A I don't know that I ever heard it.
- Q P-a-r-r-o-t? A P-a-r-r-o-t-t.
- Q Is this your grandmother? A Yes, sir.
- Q Her father's name was Huckaby? A Yes, sir.
- Q That would be your great grandfather? A Yes, sir.
- Q And the mother of your mother Mary Ann was Billy Parrott's wife? A Yes, sir.
- Q How much Choctaw blood did your grandmother Parrott have? A I don't remember.
- Q You claim that she lived in Alabama in 1830 and was the head of a family there then? A Yes, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi and Alabama in 1830? A I don't know that they did.

- #3
- 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 lands 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 East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? What was that?
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A 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 sir.
- Q Did they own or claim 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 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 tribe of Indians other than the treaty of 1830? A I don't know whether they did or not.

In 1837 by act approved March 3rd of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830 and in 1842 by act approved August 23rd of that year 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. These Commissions were appointed because a good many Choctaw Indians claimed that they had gone to Colonel Ward the United States Indian Agent at his agency in Mississippi within six months after the ratification of the treaty of 1830 and attempted to register their names with him as Indians who intended to stay in Mississippi, take land there and become citizens of the United States, but, that he had neglected to put their names upon his registry list. His failure to do so caused a good many Indians who had land in Mississippi in the old Choctaw Nation to have that land and the improvements taken from them and sold by the government at its public land sales, hence, afterwards, these two Commissions were appointed to hear these Indians who had just claims which were not recognized by Colonel Ward.

- Q Do you know whether any of your Choctaw ancestors appeared before either of these two Commissions and claimed benefits under article fourteen of that treaty or not? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors received any scrip or certificates from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly held in Mississippi or in the old Choctaw Nation and which the government had taken from them and sold? A I don't know.
- Q Have any of your relatives appeared before this Commission to be identified as Mississippi Choctaws claiming through the same ancestor that you claim through? A None that I know of.
- Q You are the only one? A The only one I know of.
- Q You say you have some married children? A Yes, sir.
- Q Over twenty-one years of age? A Yes, sir.
- Q Will you give me their names? A Yes, sir.

#5

- Q Commence now and give me the name and residence? A Everett Bazer.
- Q Now his residence? A Darney, Louisiana.
- Q Now the name of the next? A Lela Bazer.
- Q Residence? A Shelby County.
- Q Is that a boy or girl? A Girl.
- Q Shelby County, Louisiana? A Yes, sir.
- Q Now the next? A Lula Bazer.
- Q Are any of these married? A Yes, sir.
- Q They can't be Bazer then? A This girl is May now.
- Q Lula May is it? A No, sir; the first one is Lela May and the next one is Lula Massy.
- Q The next one? A walter Bazer.
- Q Where does he live? A He lives in Louisiana, Darney.
- Q The next? A Edgar Bazer.
- Q Where does he live? A At Darney, Louisiana. That is all.
- Q These have none of them made application to be identified as Mississippi Choctaw? A No, sir.
- Q Have you any evidence you want to introduce or any witnesses you want to call in support of this claim? A I have none with me; I want to find out how to produce them.
- Q Would you like a little time? A Yes, sir.
- Q About how much, thirty days? A Yes, sir.
- Q Thirty days time is allowed this applicant in which to introduce other testimony in support of this application. Do you speak or understand the Choctaw language? A No, sir.
- Q Is there anything more you want to say in support of this claim? A I would like to get these witnesses' evidence without having to bring them up here. I am not able to bring them up here. I don't understand the law but I am not able to bring them up here.

You will be allowed thirty days time in which to introduce any evidence you desire in support of this claim, either to obtain the personal attendance of witnesses or to have their depositions taken.

- Q A I would like to get them through depositions if the law will allow it.

You will be allowed to do so.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium fair complexion; black eyes; hair gray formerly black; gray whiskers. He does not speak or understand the Choctaw language and has 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 March 31, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

Subscribed and sworn to before me this 9 day of May 1902.

*G. Rosenwinkel*  
*[Signature]*  
Notary Public.

COPY.

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

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

-----

In the matter of the application of Isaiah N. Baser, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Isiah N. Baser, et al.,	M.C.R. 8039
Jasper F. Farmer,	M.C.R. 8040

-----

DECISION.

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Isiah N. Baser for himself and his four minor children, Dennis, Minnie, Richard and Hans Baser; and by Jasper F. Farmer for himself, under the following provision of the act of Congress approved June 25, 1906 (34 Stat., 498):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of one Hushaby (or Hushabie), who is alleged to have been a full blood Chectaw Indian, and of one Parrott (or Ferritt, or Perrette), who is said to have been possessed of some Chectaw Indian blood, (degree thereof not stated).

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Chectaw tribal authorities as a member of the Chectaw tribe, or admitted to Chectaw citizenship by a duly constituted court or committee of the Chectaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

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 Hushaby (or Hushabie), or Parrott (or Ferritt, or Perrette) 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 Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 512).

It is therefore the opinion of this Commission that the

evidence herein is insufficient to determine the identity of Isaiah L. Baser, Dennis Baser, Minnie Baser, Richard Baser, Maud Baser and Jasper F. Farmer as Choctaw Indians entitled 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,

*Tamm Parry.*

Acting CHAIRMAN.

*I. B. Naudoo.*

Commissioner.

*C. H. Ereckinridge.*

Commissioner.

Waskagee, Indian Territory,

JAN 27 1903

JAN 27 1903



Muskogee, Indian Territory, April 29, 1902.

Isaiah Bazer,  
Teneha, Texas.

Dear Sir:-

The Commission is in receipt of your communication of the 14th inst. enclosing the certificate of P. L. Johnson, a Justice of the Peace in and for Panola County, Texas, certifying that he performed the marriage ceremony between yourself and your wife, Josephine Blake, on the 6th day of January, 1868, and the ex parte affidavit of yourself, and the joint ex parte affidavit of A. L. Parish and G. W. Parish, setting forth the names and ages of your children. These documents being in due form have been filed with your application for identification as a Mississippi Choctaw.

The direct interrogatories enclosed in your letter, to be propounded to Andrew Bonner and Ambrus Lessley, are returned to you for the reason that they are not in accordance 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 said rules is herewith enclosed you and your attention is specially directed to sections B, D. and E of Rule 2, and Rules 12 and 13.

Indian Department

For your information the Commission desires to inform you that Messrs. Mansfield, Mc Murray & Tynish, Attorneys at Law, South McAlester, Indian Territory, are the attorneys for the Choctaw and Chickasaw Nations and that a copy of the direct interrogatories must be served on them and proof of such service made to the Commission.

Yours truly,

Commissioner in Charge

1 enclosure G.E. 191  
Rules and Regulations

Muskogee, Indian Territory, June 3, 1902.

Isaiah Brazier,

Tenaha, Texas

Dear Sir:-

The Commission is in receipt of your affidavit setting forth your reasons for desiring to have the depositions of witnesses taken in your application for identification as a Mississippi Choctaw pending before the Commission to the Five Civilized Tribes and also a notice to Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, to the effect that you have applied to the Commission to the Five Civilized Tribes for a commission to take said depositions and the direct interrogatories thereto attached. Same are returned to you herewith for the reason that Rules 12 and 13 provide for the service and proof thereof on the attorneys for the Choctaw and Chickasaw Nations of a copy of the interrogatories, and it does not appear that such service and proof thereof has been made in your case. It is suggested that you have copies of your interrogatories served on the attorneys for the Choctaw and Chickasaw Nations by the United States Marshal for the Central District, whose office is at South McAlester, Indian Territory, and when he has returned to you the proof of service, that

Isaiah Brainer

you send same, together with your interrogatories and affidavits,  
and if same are in due form a commission will issue for the taking  
of the depositions you desire.

Yours truly,

Acting Chairman

Enclosure  
G.H. 198

M.C.R. 8039

Muskogee, Indian Territory, July 3, 1902.

Isiah Baser,  
Tenaha, Texas.

Dear Sir:-

The Commission is in receipt of your affidavit wherein you set forth the reasons for desiring to have the depositions of Ambrose Leslie and Andrew Bonner taken in support of your application for identification as a Mississippi Choctaw, pending before the Commission to the Five Civilized Tribes, also direct interrogatories to be propounded to them, with proof of service of a copy thereof on the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form have been filed with and made a part of the record in your case and when the required time has elapsed for the filing of cross interrogatories by the Choctaw and Chickasaw Nations, a commission will be issued to take these depositions and will be forwarded to you to be placed in the hands of an officer authorized by law to take same.

Yours truly,

Commissioner in Charge

M.C.R. 8039

Muskogee, Indian Territory, July 19, 1902.

Isiah Baser,  
Tenaha, Texas.

Dear Sir:-

Enclosed please find a commission to take the deposition of Andrew Bonner upon direct and cross interrogatories thereto attached, to be read in evidence in your application for identification as a Mississippi Choctaw. You will also find attached to this commission a caption and certificate which are to be filled out by the notary before whom said deposition is taken.

Upon receipt of these documents you will have same placed in the hands of an officer authorized by law to take depositions and immediately upon the completion of the taking thereof, return same to this Commission.

Yours truly,

Enclosure  
G.H. 53

M.C.R. 8039

Muskogee, Indian Territory, July 18, 1902.

Isiah Bazer,  
Tenaha, Texas.

Dear Sir:-

Enclosed please find a commission to take the deposition of Ambrose Leslie upon direct and cross interrogatories thereto attached, to be read in evidence in your application for identification as a Mississippi Choctaw. You will also find attached to this commission a caption and certificate which are to be filled out by the notary before whom said deposition is taken.

Upon receipt of these documents you will have same placed in the hands of an officer authorized by law to take depositions and immediately upon the completion of the taking thereof, return same to this Commission.

Yours truly,

Enclosure  
G.H. 52

Miss. Choctaw R 8039

Muskogee, Indian Territory, September 16, 1903.

Isiah E. Bazer,  
Teneha, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 13, in which you desire to know what, if any, action has been taken in the matter of your application for the identification of yourself and your minor children as Mississippi Choctaws.

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

Yours truly,

Acting Chairman.



COPY.

M.C.R. 5039.

Muskogee, Indian Territory, January 27, 1903.

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

Gentlemen:

You are hereby advised that on the 27th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isiah E. Bazer, et al., embracing the following applications for identification as Mississippi Choctaws:

Isiah E. Bazer, et al., M.C.R. 5039,  
Jasper F. Farmer, M.C.R. 5040.

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 Isiah E. Bazer, Dennis Bazer, Minnie Bazer, Richard Bazer, Maud Bazer and Jasper F. Farmer as Choctaw Indians entitled 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,

*I*  
Acting Chairman.

COPY.

M.C.R. 5039.

Muskogee, Indian Territory, January 27, 1903.

Isiah E. Baser,  
Tenaha, Texas.

Dear Sir:

You are hereby advised that on the 27th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isiah E. Baser, et al., embracing the following applications for identification as Mississippi Choctaws:

Isiah E. Baser, et al., M.C.R. 5039,  
Jasper F. Farmer, M.C.R. 5040.

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 Isiah E. Baser, Dennis Baser, Minnie Baser, Richard Baser, Maud Baser and Jasper F. Farmer as Choctaw Indians entitled 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."

I. B. L. S.

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).

Registered.

*James Dixby.*

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 12, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Isiah E. Bazer, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 27, 1903.

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

Isiah E. Bazer, et al., M.C.R. 5039  
Jasper F. Farmer, M.C.R. 5040.

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

Respectfully,

(SIGNED).

*Tamm Bieby*

Acting Chairman.

Through the  
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 5039.

Land  
11109-1903

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, March 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following parties: Isiah E. Bazer for himself and his four minor children, Dennis, Minnie, Richard and Maud Bazer; and by Jasper F. Farmer for himself, wherein a decision adverse to the applicants was rendered by the commission on January 27, 1903.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application on their descent from Huckaby (or Huckabie) and parrott (or Perritt, or Perrette). They claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi or Alabama, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the names of 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 Choctaw treaty of 1830, and for

the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Huckaby (or Huckabie) and Parrott (or Ferritt, or Parrette), 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 said Choctaw treaty of 1830.

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

Very respectfully,

A. C. Tonner,

Acting Commissioner.

H.B.F.(E.)

M C R 5039

Muskogee, Indian Territory, March 27, 1903.

Isaiah Bazar,

Paxton, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, relative to the decision of the Commission refusing your application for the identification of yourself and minor children as Mississippi Choctaws. You ask that you be allowed further time in which to file arguments in support of your claim.

In reply to your letter you are informed that the fifteen days from January 27, 1903, heretofore granted in this case, expired on February 11, 1903. On February 12, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

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

Respectfully,

Chairman.

D.C. 11658-1903.  
I.T.D. 3082-1903.  
LRS.

(Copy)

J.W.H.  
FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 20, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 12, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Isiah E. Bazer (M.C.R. 5039, for himself and his four minor children, Dennis, Minnie, Richard and Maud Bazar; and of Jasper F. Farmer for himself, including your decision of January 27, 1903, denying their applications.

Applicant Isiah E. Bazer is a quarter blood Choctaw who was born in Louisiana in 1844. He obtained his Choctaw blood from his mother, Mary Ann Bazer, who was born in Alabama in 1809 or 1812. Her mother, Mrs. Billy Parrott (or Ferritt, or Perrette), was the daughter of a full blood Choctaw named Huck-aby, who migrated from Mississippi or Alabama to Texas in 1834. Applicant Jasper F. Farmer is the son of Brunetie Busby, who was a daughter of the said Mary Ann Bazer.

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, by person or by proxy, with the provisions



of article 14 of the treaty of September 27, 1830, or with the subsequent acts of Congress relating thereto.

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

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

Reporting in the matter March 18, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

(signed)

THOS. RYAN,

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, April 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 20th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Isiah E. Bazer et al., of which decision you were advised by mail on the 27th day of January, 1903.

Respectfully,

SIGNED:

*James Bixby.*  
Chairman.

M O R 2039

COPY.

Muskogee, Indian Territory, April 30, 1903.

Isiah E. Bazer,  
Tenchah, Texas.

Dear Sir:

You are hereby notified that on the 20th day of April, 1903 the Secretary of the Interior affirmed the decision of this commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Isiah E. Bazer et al., of which decision you were advised by registered mail on the 27th day of January, 1903.

Respectfully,

*Tams Bixby.*  
Chairman.

Muskogee, Indian Territory, March 10, 1906.

The Honorable,  
The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Isiah E. Baser, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of January 27, 1903, adverse to the applicants, was, on February 12, 1903, forwarded the Department.

April 20, 1903, the Department approved said decision of January 27, 1903.

This office is now in receipt of certain papers submitted by one S. W. Kelly in support of the above case, and in view of the instructions of the Department under date of February 23, 1906 (I T D 2025, 1174-1906), that papers in citizenship cases should not be returned to the parties filing same, there are herewith transmitted the enclosures received in Mr. Kelly's letter of March 3, 1906.

Respectfully,

Acting Commissioner.

Through the Commissioner  
of Indian Affairs.  
McM 10/4

M C R 5039

Muskogee, Indian Territory, March 10, 1906.

S. W. Kelly,

Ft. Towson, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 3, 1906, transmitting certain papers in the Mississippi Choctaw case of Isiah Bazer, et al. The same have this day been forwarded to the Secretary of the Interior for consideration.

Respectfully,

Acting Commissioner.

Consolidated Case  
of  
Isiah E. Bazer et al

REFER TO M. C. R. 5039

Huckaby (fb)  
or Huckabie  
~~or Huckabie~~

— <sup>or Perritt  
or Perrette</sup> Parrott — Mary Ann Parrott  
hus dead  
\* Billy Parrott  
(or Bill)  
(or Billie)

— <sup>mar</sup> Joe Bazer  
(or Joseph <sup>dead</sup>)

<sup>mer  
5039</sup>  
Isiah Bazer 57- $\frac{1}{4}$   
mar  
Josephine Blake  
w

<sup>mer  
5039</sup>  
Dennis Bazer 15  
Minnie " 15  
Richard " 11  
Maud " 7

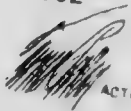
Everett Bazer 31  
Walter "  
Edgar "  
Lela "  
— <sup>mar</sup> May  
Lula Bazer  
mar  
— Massey

\* Conflict ap 5040 claims this

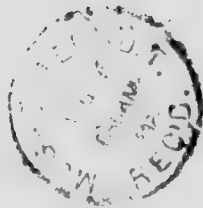
<sup>mer  
5040</sup>  
Brunette Bazer 60- $\frac{1}{4}$  Jasper F. Farmer 34- $\frac{1}{8}$   
(or Brunette " )  
mar  
① William Clavin Farmer  
dead  
② Andrew Jackson Busby  
(or Jack " )  
or Bushee

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

**FILED**  
AUG 1 1902



ACTING CHAIRMAN

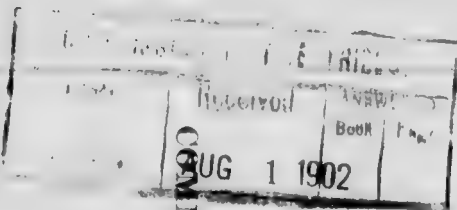


47-02



The Deposition of *Ambrose Leslie*  
 to be read in evidence in the matter of the applica-  
 tion of *Isiah E. Bazer* et al,  
 for identification as *Mississippi Choctaws* before  
 the Commission to the Five Civilized Tribes at  
 Muskogee, Indian Territory.

*James W. Tourist*  
*Notary Public*  
 (Official Character.)



COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE,

INDIAN TERRITORY.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

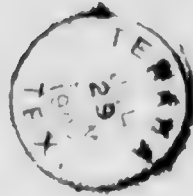
Penalty for private use, \$300.

The Deposition of Ambrose Leslie  
to be read in evidence in the matter of the applica-  
tion of Sarah E. Barrett et al,  
for identification as Mississippi Cherokees before  
the Commission to the Five Civilized Tribes at  
Muskogee, Indian Territory.

James H. Hunt,  
Secretary, etc.

OFFICIAL BUSINESS

AUG 1 1902



COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE,

INDIAN TERRITORY.

Department of the Interior.

Commission to the Five Civilized Tribes.

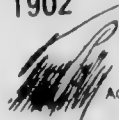
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

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

**FILED**  
AUG 1 1902



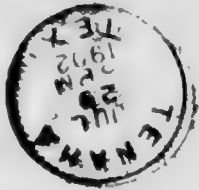
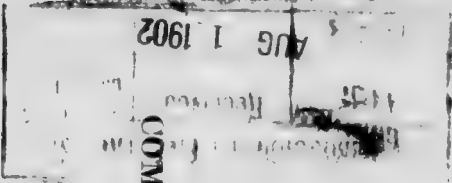
ACTING CHAIRMAN.



17 5-2

The Deposition of *Andrew Bourner*  
to be read in evidence in the matter of the applica-  
tion of *Isiah E. Bayra* et al,  
for identification as Mississippi Choctaws before  
the Commission to the Five Civilized Tribes at  
Muskogee, Indian Territory.

*H. D. White* a. f. P.  
County Clerk, Muskogee, Okla.  
(Official Character.)



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

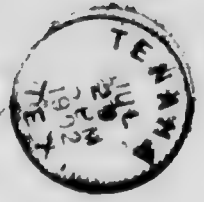
MUSKOGEE,

INDIAN TERRITORY.

The Deposition of *Andrew Bowen*  
to be read in evidence in the matter of the applica-  
tion of *Isiah E. Bowen* et al,  
for identification as *Mississippi Choctaws* before  
the Commission to the Five Civilized Tribes at  
*Muskogee, Indian Territory.*

*H. E. Hinkle* a. l. P.  
*Ex officio Secretary, Pueblo*  
(Official Character.)

AUG 1 1902



COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE,  
INDIAN TERRITORY.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
MUSKOGEE, IND. TER.  
OFFICIAL BUSINESS.  
Penalty for private use, \$300.

No. 5039

For Identification as a Mississippi Choctaw.

Date MAR 21 1902

Name *Isiah E. Bazer.*

Age 57 Blood 1/4

Post Office, *Spivy, Texas.*

Father: *Joe Bazer, d.*

Mother: *Mary Ann " d.*

Claims through *mother*  
*wife* *Josephine Bazer, l. w.*

*No claim for wife*

Children:

*Wennis Bazer, 18*

*Minnie " 15*

*Richard " 11*

*Maud " 7*

*Claims for self  
& children -*

Stenographer *G. Rosenwinkel*

Choctaw MCR 5040

Jasper F. Farmer

See MCR 5039

MCR 5040

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. March 31, 1902.

5040

In the matter of the application for identification as a  
Mississippi Choctaw of Jasper F. Farmer.

Applicant not represented by attorney.

Jasper F. Farmer being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Jasper F. Farmer.  
Q What is your age? A Thirty-four.  
Q What is your post office address? A Joaquin, Texas.  
Q How long have you lived there? A About six years.  
Q Where were you born? A In DeSote Parish, Louisiana.  
Q How long have you lived in Louisiana? A About twelve or four-  
teen years; my father moved from there to Texas and then back  
to Louisiana and after he died I moved back to Texas.  
Q Is your father living? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What is the name of your father? A William Clavin Farmer.  
Q What is the name of your mother? A Brunetie Busby.  
Q She married again after her first husband died? A Yes, she  
married Busby.  
Q What is the full name? A Andrew Jackson.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q You claim through your mother? A Yes, sir.  
Q Has your mother ever been recognized in any way or enrolled  
as a member of the Choctaw tribe of Indians by the Choctaw  
tribal authorities or the United States authorities in Indian  
Territory? A Not that I know of.  
Q You are not married are you? A No, sir.  
Q Make no claim for anyone except yourself? A I could not make  
a claim for my brother's and sisters could I? A  
Q No, sir; Your mother is living? A Yes, sir.  
Q Therefore, your brothers and sisters, if minors, would have to  
be applied for by her? A There is only one minor.  
Q Is your name on any of the tribal rolls of the Choctaw Nation  
in Indian Territory? A Not that I know of; 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 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 identify yourself 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 Well the way I understand it, I don't know whether it is right or not, that they had, or each family that was married claimed three-hundred and sixty acres of land and all these that were over age got three hundred and twenty and the minors got one-hundred and sixty each, that is the way I got it.
- Q If they stayed in Mississippi? A I don't know whether it was in Mississippi or here.
- Q If they stayed in Mississippi and went to the United States Indian Agent within six months after the ratification of the treaty of 1830? A I don't know whether it was there or here.
- Q You understand what a treaty is? A Yes, I guess so.
- Q It is an agreement in writing between Nations instead of people? A Yes, sir.

Just the same as individuals can agree to do anything in writing so can different Nations agree to do certain things and that is called a treaty: This treaty, was made in 1830 in Mississippi at a place called Dancing Rabbit Creek and was signed on the 27th day of September of that year, and afterwards on the 24th day of February 1831 it was ratified. The object of that treaty was to effect the removal of the Choctaw Indians from the old Choctaw Nation East of the Mississippi River 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 some provision being required to be made for them in the treaty, article fourteen was drafted and put into the treaty for their benefit. 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 You think you understand it do you? A Yes, I think so.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Well my double grandparents is the one, --Huckaby.
- Q I want to know the name of your ancestor who lived in Mississippi in 1830 or in Alabama in 1830 in the old Choctaw Nation and who was the head of a family then? A Huckaby.
- Q How do you spell that? A I don't know how to spell it
- Q You think it is spelled H-u-c-k-a-b-y? A I don't know whether it is spelled that way.
- Q You think it would be H-a-c-u-b-b-e-e? A I don't know whether it would be that way or not.

- Q What knowledge or information have you that this ancestor Huckaby lived in Mississippi in 1830 or in Alabama at that time in the old Choctaw Nation and was the head of a family there then? A None only what my parents taught me.
- Q Did they teach you that? A Yes, sir.
- Q How much Choctaw blood did Huckaby have? A They claimed to be full blood; so my parents taught me.
- Q Did he ever have any other name except the one that you give? No, sir; not that I know of; grandmother called him grandfather Huckaby. That is the only name I ever heard.
- Q What relation to you was he? A My double grand parents--great-great grand parents.
- Q How old would he be if living now? A I don't know.
- Q You claim your Choctaw blood through your mother? A Yes, sir.
- Q How old is she? A My mother is sixty years old.
- Q Did she ever live in Mississippi or Alabama? A I think probably she lived in Alabama; I think probably she was born in Alabama.
- Q Do you know? A No, sir; I don't know.
- Q Do you know now, whether she was born in Mississippi or Alabama or Louisiana? A Born in Louisiana.
- Q She claimed through which parent her father or mother? A Through her mother.
- Q What was her mother's full name? A Mary Ann Parrott, was her maiden name; she married Joe Bazer.
- Q Did she ever live in Mississippi or Alabama? A I have been taught that she moved from Mississippi when she was quite young.
- Q How old would she be if living now? A Something like ninety years old.
- Q You say she lived where? A At what time?
- Q In 1830? A In Mississippi or Alabama.
- Q Was she married then? A No, sir; she was quite young then.
- Q She claimed through which parent her father or mother? A Through her mother.
- Q What was her mother's name? A Huckaby.
- Q Is it this Huckaby's name you have given? A Yes, sir.
- Q But you say through her grandmother and this Huckaby is your great great grandfather; I want to know through whom your grandmother claims? A Through her father.
- Q What was her father's name? A Huckaby.
- Q You claim through your mother? A Yes, sir.
- Q She you say is about sixty years old? A Yes, sir.
- Q And was born where? A In Louisiana.
- Q She claims through which parent father or mother? A Her mother.
- Q Her mother's name was what? A Parrott and married a Bazer.
- Q Was she living in Mississippi or Alabama in 1830 and was she married at that time? A That is what I have been taught.
- Q Did she have a family at that time in Mississippi or Alabama? A Think they had.
- Q Now a little while ago you said not; you said your mother's mother was not married in 1830. I am talking about your mother's mother; was she married and living in Mississippi or Alabama in 1830? A Yes, sir.
- Q Your mother's mother? A Yes, sir.
- Q In which, Mississippi or Alabama? A I don't know which place it was.
- Q Did she have a family of children in the old Choctaw Nation in Mississippi or Alabama in 1830? A I could not tell you, I was taught that she left the state of Mississippi somewhere on or about the year 1834 and went from there to the Choctaw Nation in Alabama and from there to Texas.

#4

- Q Will you give me the name of some ancestor of yours who had Choctaw Indian blood and who lived in the old Choctaw Nation in Mississippi or Alabama in the year 1830 and who was the head of a family there then? A Yes, sir; Huckaby is all I know.
- Q It seems to me from your testimony that some of your ancestors who were descendants of your great great grandfather Huckaby lived in the old Choctaw Nation in Mississippi and had a family there then? A Bill Parrott.
- Q What relation was he to you? A He was my grandfather.
- Q Do you claim now that your Choctaw blood comes through him? A Through my grandfather.
- Q You have given the name of Huckaby as your great great grandfather; now who was your ancestor in a direct line back who had Choctaw Indian blood and who lived in the state of Mississippi or Alabama in the old Choctaw Nation and in the year 1830 and was the head of a family there then. Is it your grandmother or your great grandfather or your great-great grandfather Huckaby? A My great-great grandfather Huckaby.
- Q You don't think that any of his children then were married and living in the old Choctaw Nation in Mississippi and were heads of families there then? A I don't know sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 in the old Choctaw Nation? Not that I know of.
- Q Did any of your Choctaw ancestors Huckaby or any other 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 go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I have been taught they left Mississippi about 1834.
- Q And went where? A From there to Alabama and from there to Texas.
- Q But they did not go to the Indian Territory at that time? A If they did I have not been informed that way.
- Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under any other article of the treaty of 1830 than article fourteen or the supplement of that treaty? A Not that I know of.
- 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 No, sir; not that I know of.

The Indians who remained in Mississippi 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 at his agency in Mississippi within six months after 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 and the result of his failure caused many Indians who had land in

Mississippi, in the old Choctaw Nation, upon which they had improvements, to have them both taken from them by the government and sold at its public land sales. This caused a great many complaints to be made by the Choctaw Indians so that Congress appointed a Commission in 1837 under an act approved March 3rd of that year. This Commission went to the State of Mississippi and heard claimants under article fourteen of the treaty of 1830. Congress also appointed another Commission in 1842 under an act approved August 23rd of that year. This Commission also went to the state of Mississippi and heard claimant 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? A Not that I know of.
- Q How old would your great great grandfather Huckaby be if he were living now; would he be too old to have had a family living in Mississippi in 1830? A I don't know sir.
- Q You don't know anything about his descendants living in Mississippi in 1830 and have a family there then? A I don't know.
- Q Did any of your Choctaw ancestors ever receive any scrip or certificates from the United States government which authorized them to select land either in Mississippi, Alabama, Louisiana, or Arkansas to take the place of land which they had formerly held in the old Choctaw Nation and which the government had taken from them and sold? A Not that I know anything of.
- Q This scrip was issued under an act of Congress approved August 23, 1842. Have you any evidence that you want to introduce now in support of this case; any documents of any kind? A

The written petition of this applicant presented by him, received, filed, marked exhibit "A" and made a part of this record.

- Q Have you any other papers you want to file? A No, sir.
- Q Have you any witnesses you want to call? A No, sir; I have not.
- Q Do you want time in which to introduce other testimony? A Yes, sir.

A reasonable time is allowed this applicant in which to present other testimony if he desires to do so in support of this application.

- Q What relation is Isiah E. Baser? A My uncle; my mother's brother.
- Q You want to have his testimony considered with yours is examined by the Commission? A Yes, sir.
- Q The evidence which he has filed in his case you desire to have referred to in yours? A Yes, sir.
- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is there anything more you would like to say in support of this case; anything you want to add to your testimony? A No, sir; I don't think there is.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark complexion; dark

48

brown eyes; brown hair. He does not understand the Choctaw language and has no knowledge of compliance on the part of any 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 March 31, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

Subscribed and sworn to before me this *31* day of May 1902.

*G. Rosenwinkel*  
*[Signature]*

Muskogee, Indian Territory, June 3, 1902.

Jasper M. Farmer,

Tenaha, Texas.

Dear Sir:-

The Commission is in receipt of your affidavit setting forth your reasons for desiring to have the depositions of witnesses taken in your application for identification as a Mississippi Choctaw pending before the Commission to the Five Civilized Tribes, and also a notice to Messrs. Mansfield, McMurray and Cornish, attorneys for the Choctaw and Chickasaw Nations, to the effect that you have applied to the Commission to the Five Civilized Tribes for a commission to take said depositions, and the direct interrogatories thereto attached. Same are returned to you herewith, for the reason that Rules 12 and 13 provide for the service and proof thereof on the attorneys for the Choctaw and Chickasaw Nations, of a copy of the interrogatories, and it does not appear that such service and proof thereof has been made in your case. It is suggested that you have copies of your interrogatories served on the attorneys for the Choctaw and Chickasaw Nations by the United States Marshal for the Central District, whose office is at South McAlester, Indian Territory, and when he has returned to you the

WATERBURY

WATERBURY

1870

1870

H.C. 2. 6046

Muskogee, Indian Territory, July 15, 1906

Jasper F. Farmer,  
Yamaha, Texas.

Dear Sir:-

Enclosed please find a commission to take the deposition of Ambrose Leslie upon direct and cross interrogatories thereto attached, to be read in evidence in your application for identification for identification as a Mississippi Choctaw. You will also find attached to this commission a caption and certificate, which are to be filled out by the notary before whom said deposition is taken.

Upon receipt of these documents you will have same placed in the hands of an officer authorized by law to take depositions and immediately upon the completion of the taking thereof, return same to this Commission.

Yours truly,

Commissioner in Charge

Enclosure  
G .H. 50



N.C.R. 5040

Muskogee, Indian Territory, July 18, 1902.

Jasper F. Farmer,  
Denham, Texas.

Dear Sir:-

Enclosed please find a commission to take the deposition of Andrew Bonner upon direct and cross interrogatories thereto attached, to be read in evidence in your application for identification as a Mississippi Choctaw. You will also find attached to this commission a caption and certificate, which are to be filled out by the notary before whom said deposition is taken.

Upon receipt of these documents you will have same placed in the hands of an officer authorized by law to take depositions and immediately upon the completion of the taking thereof, return

Yours truly,

Acting Chairman

Enclosure  
C.F. 31

Muskogee, Indian Territory, August 1, 1908.

Jasper F. Farmer,  
Tennaha, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th inst., wherein you state you have received the commission to take the deposition of Ambrose Leslie, witness for the plaintiff for the application for the identification as a Mississippi Choctaw of Jasper F. Farmer, but did not receive the commission authorizing the taking of the deposition of Andrew Benner, also a witness in your case.

In reply you are informed that a commission to take the deposition of Andrew Benner was mailed you on July 18, 1908.

Yours truly,

Acting Chairman.

H.O.R. 5049

Muskogee, Indian Territory, July 3, 1902.

Jasper F. Farmer,  
Tenaha, Texas.

Dear Sir:-

The Commission is in receipt of your affidavit wherein you set forth the reasons for desiring to have the depositions of Ambrose Leslie and Andrew Benner taken in support of your application for identification as a Mississippi Choctaw pending before the Commission to the Five Civilized Tribes, also direct interrogatories to be propounded to them, with proof of service of a copy thereof on the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form have been filed with and made a part of the record in your case and when the required time has elapsed for the filing of direct interrogatories by the Choctaw and Chickasaw Nations, a commission will be issued to take these depositions and will be forwarded to you to be placed in the hands of an officer authorized by law to take same.

Yours truly,

Commissioner in Charge

W O S 0000.

Muskogee, Indian Territory, August 23, 1900.

J. A. Smith,

Postmaster,

Tamaha, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th inst., in which you state that the commission authorizing Jasper F. Farmer to take the deposition of Andrew Benner has not been received by him at your office.

In reply, you are informed that the records of the Commission show that the commission authorizing the taking of the deposition of Andrew Benner must have been received by Jasper F. Farmer to whom it was addressed.

The deposition of that witness duly certified to is now on file with the record in Mr. Farmer's case.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 8040.

Muskogee, Indian Territory, January 27, 1903.

Jasper F. Farmer,  
Tamaha, Texas.

Dear Sir:

You are hereby advised that on the 27th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isiah E. Baser, et al., embracing the following applications for identification as Mississippi Choctaws:

Isiah E. Baser, et al., M.C.R. 8039,  
Jasper F. Farmer, M.C.R. 8040.

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 Isiah E. Baser, Dennis Baser, Minnie Baser, Richard Baser, Maud Baser, and Jasper F. Farmer as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

J. P. V. \* 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this cause, 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,

EDWEN

Registered.

*Tame Bibby*

Acting Chairman.

1000

COPY.

Muskogee, Indian Territory, April 29, 1903.

Jasper F. Farmer,  
Tenaha, Texas.

Dear Sir:

You are hereby notified that on the 20th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Isaiah E. Baser et al., of which decision you were advised by registered mail on the 27th day of January 1903.

Respectfully,

SIGNED

*James Bixby*  
Chairman.

M O R 5040

Muskogee, Indian Territory, March 1, 1906.

J. H. Webb,

Tenaha Broom Manufacturing Co.,  
Tenaha, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letters of February 10th and 20th, 1906, requesting to be advised as to what will be necessary to complete the evidence in the Mississippi Choctaw application of Jasper F. Farmer.

In reply you are informed that on April 20, 1903, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes of January 27, 1903, refusing to identify as Mississippi Choctaws the following named applicants in the consolidated case of Isiah E. Baser, et al:

Isiah E. Baser,  
Minnie Baser,  
Maud Baser,

Dennis Baser,  
Richard Baser,  
Jasper F. Farmer.

This office now has no authority to receive or consider any further evidence in support of the above case.

If you desire to secure a rehearing it will be necessary that you take the matter up with the Secretary of the Interior. However, you are advised that motions for rehearings are only granted in those cases where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient



to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the old Choctaw Nation in the States of Mississippi and Alabama in 1830 and heads of families, and, as such, complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of September 27th, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose names appear as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commissioner to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the

J. E. Webb 3

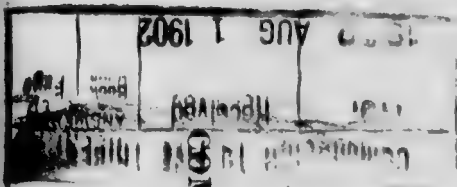
witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

Respectfully,

Acting Commissioner.

...in evidence in the matter of the application  
of Jasper F. Farmer et al.  
for identification as Mississippi Choctaws before  
the Commission to the Five Civilized Tribes at  
Muskogee, Indian Territory.

James W. Smith  
Secretary Public  
(Official Character.)



*File 5040*



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TERR.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE,

INDIAN TERRITORY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
AUG 1 1902



ACTING CHAIRMAN



No. 5040

For Identification as a Mississippi Choctaw.

Date

MAR 31 1907

Name

Jasper F. Farmer

Age

34

Blood

1/8

Post Office,

~~#~~ Joaquin, Texas

Father:

William C. Farmer, d

Mother:

Brunetie Busby, l

Claims through

mother

~~Notes:~~

Claims for sep  
alone

Choctaw MCR 5041

Whinnie Pike

See MCR 232

MCR 5041

1900-1901  
1902-1903

Mustang, Indian Territory, March 21, 1903.

J. C. Paul,

Attorney at Law,

Washington, D.C. 510 E St. N.W.

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty fifth instant, inclosing affidavits covering the birth of Ira W. Patterson, Winnie Pike and Birdie Violet Scarborough. These affidavits have been accepted as evidence of the birth of said children and their applications for identification as Mississippi Choctaws will be considered in connection with the applications of their parents, and you will be notified of the action taken by the Commission.

Yours truly,

Acting Chairman.

M.O.N. 5041.

Muskogee, Indian Territory, December 8, 1902.

James E. Pike,

Ida, Indian Territory.

Dear Sir:

On March 31, 1902, the Commission acknowledged receipt of the affidavits of the mother, Ida A. Pike, and the attending physician, S.P. Stalcup, to the birth of your infant child, Winnie Pike, born January 8, 1901.

You are informed that on November 10, 1902, the Secretary of the Interior refused the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

On November 22, 1902, you were duly notified of such departmental action.

As the rights of your child are entirely dependent upon your recognition and identification as a Mississippi Choctaw; and as the Commission and the Secretary of the Interior have decided that you are not entitled to such identification, the Commission cannot therefore consider the application for the identification



of the United States, Vinnie Pina, as a classified director  
entitled to rights in the Charter lands under the provisions of  
article fourteen of the Douglas treaty of eighteen hundred and  
thirty.

Acting Chairman.

MISSISSIPPI CHOCTAW

**IN RE**

Application for Enrollment of

**INFANT CHILD**

*Stinnie Peke*

is a citizen of

MISSISSIPPI CHOCTAW.

Nation

Approved

**FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW**

190

Commissioner.

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

**FILED**

MAR 31 1902

*[Signature]*  
ACTING CHAIRMAN.

The within application has been accepted as evidence of the birth of the within named child. Her father appears on M.C.R. 232, which is a part of the consolidated case of John Scarborough et al., M.C.R. 252, and the application for this child will be considered in connection with that of her father but is not to be considered as an application for her ENROLLMENT as a citizen of the Choctaw Nation.

*[Signature]*  
Commissioner.

MISSISSIPPI CHOCTAW.

25041

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

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of Winnie Pike, born on the 8 day of January, 1901  
(Here insert name of child.)  
Name of Father: James E. Pike, a citizen of the Choctaw Nation.  
Name of Mother: Ida A. Pike, a citizen of the Choctaw Nation.  
Post-office, Bee Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, Ida A. Pike, on oath state that I am 26  
years of age and a citizen, by marriage, of the Choctaw Nation;  
that I am the lawful wife of James E. Pike, who is a citizen, by  
Blood, of the Choctaw Nation; that a female child was  
(male or female.)  
born to me on the 8 day of January, 1901; that said child has been  
named Winnie, and is now living.

WITNESSES TO MARK:

(Must be Two  
Witnesses)

Ida A. Pike

Subscribed and sworn to before me this 18 day of November, 1901.

W. R. Williams

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, S. P. Stalcup, a physician, on oath state that I  
attended on Mrs. Ida A. Pike, wife of James E. Pike,  
on the 8 day of January, 1901; that there was born to her on  
said date a girl child; that said child is now living and is said to have been  
(male or female.)  
named Winnie.

WITNESSES TO MARK:

(Must be Two  
Witnesses)

S. P. Stalcup, M.D.

Subscribed and sworn to before me this 18 day of November, 1901.

W. R. Williams

NOTARY PUBLIC.

No. \_\_\_\_\_  
Identification as a Mississippi Choctaw.

Date MAR 31 1902

Name Winnie Pike

Age 1 yr Blood "32

Post Office, Bee. D. T.

Father: James E. Pike

Mother: Ida E. Pike

Claims through father

Children:

Evidence of birth filed  
this date. James E. Pike, father  
of applicant herein, is on  
MCR 232, which is a part  
of the consolidated case of  
John Scarborough, et al MCR  
# 262

Stenographer

Choctaw MCR 5042

Birdie Violet Scarborough

See MCR 103

MCR 5042

Miss G. S. ...  
3042, 3043

Madison, Indian Territory, March 21, 1908.

J. O. Pool,

Attorney at Law,

Washington, D.C. 610 E St. N.W.

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty fifth instant, inclosing affidavits covering the birth of Ira H. Patterson, Winnie Pike and Birdie Violet Scarborough. These affidavits have been accepted as evidence of the birth of said children and their applications for identification as Mississippi Choctaws will be considered in connection with the applications of their parents, and you will be notified of the action taken by the Commission.

Yours truly,

Acting Chairman.

N.C.S. 8048.

Muskogee, Indian Territory, December 5, 1902.

Pinkney L. Scarborough,

Wilson, Indian Territory.

Dear Sir:

On March 31, 1902, the Commission acknowledged receipt of affidavits of the mother, Ellen J. Scarborough, and the attending physician, Jacob R. Bingham, to the birth of your infant child, Birdie Violet Scarborough, born the 26th day of March, 1901.

You are informed that on November 10, 1902, the Secretary of the Interior refused the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

On November 22, 1902, you were duly notified of such departmental action.

As the rights of your child are entirely dependent upon your recognition and identification as a Mississippi Choctaw; and as the Commission and the Secretary of the Interior have decided that you are not entitled to such identification, the Commission cannot therefore consider the application for the identification

of your child, Miss Violet Scarborough, as a descendant of Choctaw entitled to rights in the Choctaw lands under the provisions of article fourteen of the Choctaw treaty of eighteen hundred and thirty.

Respectfully,

Acting Chairman.



IDENTIFICATION AS  
MISSISSIPPI CHOCTAW

IN RE

Application for Enrollment of

INFANT CHILD

*Birdie Viola Scarborough*

as a citizen of the  
Nation.

*Levatour*

Approved, \_\_\_\_\_ 190.

FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
MAR 31 190

ACTING CHAIRMAN.

The within application has been accepted as evidence of the birth of the within named child. Her father appears on M.C.R. 103, which is a part of the consolidated case of John Scarborough, et al. M.C.R. 252, and the application for this child will be considered in connection with that of her father, but is not to be considered as an application for her ENROLLMENT as a citizen of the Choctaw Nation.

*[Handwritten Signature]*  
Commissioner

MISSISSIPPI CHOCTAW R5042

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of Birdie Violet Seabrough, born on the 26 day of March, 1901.  
(Here insert name of child.)  
Name of Father: Finkney L. Seabrough, a citizen of the Choctaw Nation Nation.  
Name of Mother: Ellen J. Seabrough, a citizen of the United States Nation.  
Post-office, Wilson, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY. }  
Southern District District. }

I, Ellen J. Seabrough, on oath state that I am thirty five years of age and a citizen of of the United States State that I am the lawful wife of Finkney Seabrough, who is a citizen, by blood of the Choctaw Nation; that a female child was (male or female) born to me on the 26 day of March, 1901; that said child has been named Birdie Violet, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

*Ellen J. Seabrough*

Subscribed and sworn to before me this 13 day of March, 1901.

*Robert West*

NOTARY PUBLIC.

*Ind. Ter. So. Dist.*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY. }  
Southern District District. }

I, Jacob R. Bingham, a Physician, on oath state that I attended on Mrs. Ellen J. Seabrough, wife of Finkney L. Seabrough, on the 26 day of March, 1901; that there was born to her on said date a female child; that said child is now living and is said to have been named Birdie Violet.

WITNESSES TO MARK:

(Must be Two Witnesses.)

*Jacob R. Bingham*

Subscribed and sworn to before me this 13 day of March, 1901.

*Robert West*

NOTARY PUBLIC.

*Ind. Ter. So. Dist.*

Identification as a Mississippi Choctaw.

Date MAR 11 1892

Name: Purdie Violet Scarborough

Age 1 yr Blood 1/32

Post Office, Wilson, D T

Father: Pinkney L. Scarborough

Mother: Ellen J. Scarborough

Claims through father

Children:

Evidence of birth filed this date. Pinkney L. Scarborough, father of applicant herein is on MCR #103 which is a part of the consolidated case of John Scarborough, et al MCR #252.

Stenographer

Soc. MOR 57

(Jacket Empty)

FOR IDENTIFICATION AS R 5043  
A MISSISSIPPI CHOCTAW

*Ira. H. Patterson*

CANCELLED

CANCELLED

APR 10 1992 Record transferred to  
Mb R No 57 Robert H. Patterson et al

*See. m. c. R. 57*

Check

Via

See MCR 5046, 5047, 5048  
5045, 4597, 4612, 4613, 4602  
4614, 4604, 4881, 4735, 4603  
4606, 4736, 4598, 4605, 4599  
5050, 5051, 4600, 4607, 5049

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

-----

In the matter of the application of Vinsen Anglen, et al., for identification as Mississippi Chestaws, consolidating the applications of

Vinsen Anglen,	M C R	5044
John R. Anglen, et al.,	M C R	5045
James L. Anglen,	M C R	5047
William D. Anglen,	M C R	5048
Minnie B. Reek, et al.,	M C R	5049
Samuel M. Fyle, et al.,	M C R	4597
Thomas Fyle, et al.,	M C R	4618
Samuel G. Fyle, et al.,	M C R	4619
Genevieve Wattenfield, et al.,	M C R	4602
Joseph Sinton Fyle, et al.,	M C R	4614
Arizona Sage, et al.,	M C R	4604
George F. Fyle,	M C R	4601
Charlotte L. Girtz, et al.,	M C R	4728
Hettie Alexander, et al.,	M C R	4605
Cincinnati Fyle,	M C R	4606
John Ella Tompion, et al.,	M C R	4734
Nathaniel A. Fyle, et al.,	M C R	4608
Alice Haller, et al.,	M C R	4601
Edwina Wheeler, et al.,	M C R	4609
Samuel Sinton Fyle, et al.,	M C R	4602
James Sinton Fyle, et al.,	M C R	4601
James Sinton Fyle, et al.,	M C R	4607
James M. Baker, et al.,	M C R	4608
James M. Wattenfield, et al.,	M C R	5049

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 Vinsen Anglen for identification as a Mississippi Chestaw.

Page

Copy of application forwarded to the Secretary of the Interior.

Original application of John R. Anglen, et al., to the Dawes Commission for identifi- cation as Mississippi Choctaws-----	8
Certified copy of the marriage certificate of John Anglin and Viletty Brown-----	11a
Certified copy of the marriage record of J. R. Anglen and Missouri A. Thirmond-----	12
Original application of James L. Anglen to the Dawes Commission for identification as a Mississippi Choctaw-----	13
Original application of William D. Anglen to the Dawes Commission for identification as a Mississippi Choctaw-----	17
Original application of Minnie B. Book, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	21
Original application of Samuel M. Pyle, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	25
Affidavit of W. C. McEntire-----	31
Certificate of J. H. Kester, Clerk of Circuit Court of Marion County, Arkansas-----	32
Original application of Thomas Pyle, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	35
Certified copy of the marriage record of Thomas Pyle and Fanny Kyle-----	40
Original application of Samuel G. Pyle, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	41
Certified copy of the marriage record of Samuel G. Pyle and Sarah M. Ellis-----	46
Original application of Cornelia Hattenfield, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	47
Original application of Joseph Ginton Pyle, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	53
Certified copy of the marriage record of J. G. Pyle and Ada Myers-----	58



Original application of Arizona Duce, et al.,  
to the Dawes Commission for identification  
as Mississippi Choctaws..... 81

Original application of George F. Pyle to the  
Dawes Commission for identification as  
a Mississippi Choctaw..... 86

Original application of Charlotte J. Gird, et al.,  
to the Dawes Commission for identification as  
Mississippi Choctaws..... 92

Original application of Nettie Alexander, et al.,  
to the Dawes Commission for identification as  
Mississippi Choctaws..... 97

Original application of Cincinnati Pyle to the  
Dawes Commission for identification as a  
Mississippi Choctaw..... 82

Affidavit of J. W. Parker in relation to marriage  
of Epps Pyle and Polly Ann Balas..... 86

Original application of John Ella Tappan, et al.,  
to the Dawes Commission for identification as  
Mississippi Choctaws..... 87

Original application of Nathaniel A. Pyle, et al.,  
to the Dawes Commission for identification as  
Mississippi Choctaws..... 92

Affidavit of James H. Methin as to the marriage of  
W. A. Pyle and Hannah Methin..... 98

Certificate of J. W. Kester, Clerk of the Circuit  
Court in and for Marion County, Arkansas..... 99

Original application of Alice Roller, et al., to  
the Dawes Commission for identification as  
Mississippi Choctaws..... 100

Original application of Lizzie Wheeler, et al., to  
the Dawes Commission for identification as  
Mississippi Choctaws..... 100

Original application of Jennett I. Nowlin, et al.,  
to the Dawes Commission for identification as  
Mississippi Choctaws..... 110

Affidavit of D. M. Balinger in relation to  
the permanent disability of..... 116

Power of attorney from.....  
concerning and appointing.....  
in the state of.....  
of the matter of her.....  
of.....

Original application of, Arlene A. Adams, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	118
Original application of Geve N. Pyle, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	123
Original application of Bennis B. Baker, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	128
Original application of James E. Battenfield, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	135
Certified copy of the marriage record of Wm. Battenfield and Mollie Pyle-----	139
Testimony of Nathaniel A. Pyle-----	140
Testimony of Russel Franklin-----	143
Sworn statement of Nathaniel A. Pyle upon which is based dequis potestatus-----	147
Copy of notice of J. G. Ralls for the taking of depositions addressed to Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations-----	151
Commission to take depositions of Bart Franklin upon interrogatories-----	153
Caption of deposition-----	154
Direct interrogatories propounded to Bart Franklin-----	155
Cross interrogatories propounded to Bart Franklin-----	157
Certificate of J. P. Gibson, Notary Public, as to the taking of deposition of Bart Franklin-----	158
Envelope in which deposition of Bart Franklin was transmitted-----	166
Commission to take deposition of N. A. Anderson upon interrogatories-----	166
Caption of depositions-----	167
Interrogatories propounded to N. A. Anderson-----	168

Cross interrogatories propounded to H. A. Anderson-----	170
Certificate of W. S. Vernon, Justice of Peace, as to deposition of H. A. Anderson-----	177
Envelope in which deposition of H. A. Anderson was transmitted-----	178
Commission to take deposition of S. E. Minnegar upon interrogatories-----	179
Caption of Deposition-----	180
Interrogatories propounded to S. E. Minnegar-----	181
Cross interrogatories propounded to S. E. Minnegar-----	182
Certificate of W. S. Vernon, Justice of the Peace, as to the deposition of S. E. Minnegar-----	189
Envelope in which deposition of S. E. Minnegar was transmitted-----	190
Commission to take deposition of L. J. Adams upon interrogatories-----	191
Caption of deposition-----	192
Interrogatories propounded to L. J. Adams-----	193
Cross interrogatories propounded to L. J. Adams-----	195
Certificate of Lewis Rogers as to deposition of L. J. Adams-----	202
Envelope in which deposition of L. J. Adams was transmitted-----	203
Commission to take deposition of Catherine Franklin upon interrogatories-----	204
Caption of deposition-----	205
Interrogatories propounded to Catherine Franklin-----	206
Cross interrogatories propounded to Catherine Franklin-----	208
Certificate of J. P. Sisson as to the deposition of Catherine Franklin-----	212
Envelope in which deposition of Catherine Franklin was transmitted-----	213

Reports of the Commission regarding the  
operations in the consolidated case of  
Anglo, et al., for identification of  
various objects.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. March 21, 1902.

Testimony of Nathaniel A. Pyle in M.C.R. 5049 and 5050

J.G.Halls, att'y for applicants.

Nathaniel A. Pyle being called and sworn as a witness testified as follows in behalf of applicants:

Examination by the Commission:

- Q What is the full name? A Nathaniel Pyle.  
Q What is your age? A I was fifty years old the 2nd of this month.  
Q What is your post office address? A Elmore, I.T.  
Q What is your occupation? A Farming at present.  
Q Are you an applicant for identification as a Mississippi Choctaw?  
A Yes sir.  
Q When did you make your application, Mr. Pyle? A If I am not mistaken it was about the 30th day of January.  
Q Here at Muskegee? A Yes sir.  
Q Do you now come before the Commission to testify in reference to the Choctaw blood of these children of William Battenfield and the wife and children of Wade H. Newlin? A Yes sir.  
Q What do you know about William Battenfield's children having Choctaw blood? A They are children of my sister, Nellie Battenfield.  
Q She is now deceased? A Yes sir.  
Q How long has she been dead? A I don't know exactly. About 4 or 5 or 6 years.  
Q You claim that she had Choctaw blood through the same source through you claim yours? A Yes sir.  
Q How much Choctaw blood did she have? A I can't tell without studying a while.  
Q How much do you claim for yourself? A Just the same.  
Q You can't tell? A No sir, without consulting from the knowledge I have, my great grandmother or grandfather was a half Choctaw.  
Q Who was she? A Her maiden name was Saxton; married BeGraffenried.  
Q What is the full name? A Lucy BeGraffenried.  
Q Did she have a daughter named Lucy? A Yes sir.  
Q Whom did this daughter Lucy marry? A Joseph Anglin.  
Q Did Lucy Anglin or BeGraffenried live in the old Choctaw nation in Mississippi or Alabama in 1830? A From my understanding and the knowledge I have received from other parties they have lived in Mississippi.  
Q Well, did she live in Mississippi in 1830 and was the head of a family there then? A That's my understanding.  
Q That's what you have been taught in the family? A Yes sir.

- Q How old would she be if living now? A I can't tell you; near 100 years old.
- Q Where did she die? A I think in Polk County, Missouri.
- Q Do you know when? A No sir, I can't tell; she was married when I was quite small or maybe before I was born.
- Q What relation is Jenetti I. Nowlin to you? A Sister.
- Q And claims through the same ancestor through whom you claim and also the claim as made for Mollie Battenfield? A Yes sir.
- Q And she would have the same amount of Choctaw blood that you claim? A Yes sir.
- Q How many children has she? A I believe she has eight; a couple that's twenty one past and six minor children.
- Q Where are they living now? A Milton, Indian Territory.
- Q The same hold true in regard to their Choctaw ancestors as is claimed for the children of William Battenfield? A Yes sir.
- Q The father of these children, William H. Nowlin, is a white man, is he? A Yes sir.
- Q Do you know for a fact that your sister, Jenetti I. Nowlin, is now bed-ridden and permanently disabled? A I can't state from my personal knowledge; I believe it to be true; I have received letters from her.
- Q How long has she been sick? A Sometime last Fall.
- Q Do you know whether any of the ancestors of these minor children of William Battenfield or the wife or children of William H. Nowlin ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A Its my understanding they did.
- Q What did you ever hear about it? A Well, my understanding is that there will be testimony produced here that they said they went before the Commission and filed their applications to become citizens of the United States there in the old Choctaw nation.
- Q What Commission do you mean, that of 1837 or 18--
- A No sir; before Col. Ward.
- Q You think then that the ancestors of these children and of your sister, Jenetti I. Nowlin, went before Col. Ward within six months after the ratification of the treaty of 1830? A That's what I understand.
- Q That's what you will endeavor to prove? A Yes sir.
- Q But you have no evidence of that now? A No sir.
- Q Have you any evidence or knowledge as to whether the Choctaw ancestors any of them of the minor children of William Battenfield or the minor children of W.H. Nowlin or of his wife went before the Commission of 1837 or 1842 and claimed benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No sir, I don't know of my knowledge.
- Q What is the name of the ancestor of the minor children of William Battenfield and of the wife and children of W.H. Nowlin, who lived in Mississippi in 1830 and was the head of a family there then?
- A Well, its James W. Thaxton.
- Q Well, now everybody else who has made application today claiming through the same common ancestor claimed that Lucy Anglin, maiden name DeGraffenried, lived in the old Choctaw nation in 1830 and had a family there then. A Well, I think they claimed that; well, I stated that James W. Thaxton was the father of Lucy Thaxton who married this DeGraffenried and this is the one who was said to live in this nation.
- Q And this Lucy had a daughter named Lucy who married Anglin? A Yes and then this Lucy Anglin had John Anglin and Catherine Anglin who

married E.G. Pyle and from their marriage our birth came.

Q Well, now, then, I want you to locate the nearest ancestor of these minor children of William Battenfield and of the wife and children of Wade H. Nowlin, the nearest, not the remotest, who lived in Mississippi in 1830 and had a family there then? A Well, I would go back to Lucy DeGraffenried; she lived in Mississippi.

Q In 1830? A Yes sir.

Q And was the head of a family there then? A Yes sir; that's the way I understand it.

Q What proof have you of that fact? A I have a couple of other witnesses who lived and knew them at that time.

Q What witnesses? A Russel Franklin.

Q Where does he live now? A Near Elmore, or Robinson in Indian Territory; and the other is Catherine Franklin lives near Wynnewood

Q How old is she? A From what she told me- she told me she didn't know her age- somewhere about 93 years old.

Q And Franklin is how old? A I think he claims to be about 85.

Q Are they Indians? A No sir, freedmen.

Q Choctaw Freedmen? A Yes sir.

Q Do you propose to introduce them before the Commission in this case? A Yes sir, one now; and the other is not able.

Q At this time? A Yes sir.

Q His evidence will go to all who claim through the same ancestor Lucy DeGraffenried? A Yes sir.

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

Witness excused.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above testimony and that this is a full true and correct transcript of his stenographic notes in same on March 31, 1902.

*Henry G. Hains*

Subscribed and sworn to before me this 24th day of April, 1902.

*Clarence H. Wood*

Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. March 31, 1902.

5044

In the matter of the application for identification as a  
Mississippi Choctaw of Vinson Anglen.

J. G. Balls attorney for applicant.

Vinson Anglen being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Vinson Anglen.  
Q What is your age? A Fifty-eight years old.  
Q What is your past office address? A Gainesville, Texas.  
Q How long have you lived in Gainesville? A About twenty-six years,--there in that neighborhood, in that county.  
Q Where were you born? A Palk County, Missouri.  
Q How long did you live in Missouri before you moved from that state? A I was born in forty-three and lived there until seventy-six.  
Q And went where? A Texas.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What is your father's name? A John A. Anglen.  
Q What was your mother's name? A Vilstia.  
Q How do you spell it? A V-i-l-s-t-i-a.  
Q Through which parent do you claim Choctaw blood? A My father.  
Q How much do you claim? A I don't know what it would be.  
Q Has your father ever been recognized as a Choctaw Indian or enrolled as such by either the Choctaw tribal authorities or the United States authority in Indian Territory? A No, sir/ Not that I know of.  
Q Are you married? A Yes, sir.  
Q Is your wife living? A Yes, sir.  
Q White woman or Choctaw Indian? A White woman.  
Q What is her name? A Elizabeth.  
Q Do you claim anything for her? A No, sir.  
Q When and where were your father and mother married? A In  
Q What day of the month and year? A I don't know.  
Q Have you proof of their marriage with you? A No, sir.  
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A No, sir; I have not.  
Q Claim for yourself alone? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A Never did sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of  
Q Yes, 1876? A No, sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by either 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 identify yourself 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 know that I do.

The treaty of 1830, some times called the treaty of Dancing Rabbit Creek, because it was made in Mississippi on the 27th day of September of that year was made between the United States government and the Choctaw Indians for the purpose of effecting the removal of the members of the Choctaw tribe of Indians from the old Choctaw Nation East of the Mississippi River 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 under that treaty and in order therefore to protect the interest of these Indians who elected to remain in the old Choctaw Nation, article fourteen was drafted and put into the treaty of 1830. It was drafted and put into the treaty for the especial benefit and protection of these Indians who stayed back in the old Choctaw Nation, and is, as follows:

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

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article?

A I don't know sir.

Q Do you understand that article, do you think? A I think so.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Thaxton.

Q Give the full name? A James W. T-h-a-x-t-o-n, I believe is the way it is spelled I am not positive.

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

Q Did he live in the state of Mississippi in 1830? A I don't know sir.

Q Did he have a family there at that time or in other words was he the head of the family in Mississippi or Alabama in the old Choctaw Nation in 1830? A Said to be, that is all I know about it.

Q You claim through your father do you not? A Yes, sir.

Q How old was your father when he died? A About fifty-one years old.

Q He died when? A If he had lived he would be seventy-eight years old.

- Q Where was he born? A I don't know sir.
- Q Don't know whether he was born in Mississippi, or Alabama or Louisiana or where? A I don't know sir.
- Q Can you establish the fact of the birth of your father? A If ever I heard him say that I do not recall.
- Q It is very material that you know where your father was born? A I don't know.
- Q You ought to establish, if you can, that you had a Choctaw ancestor who lived in Mississippi, or Alabama, in the old Choctaw Nation in 1830 and was the head of a family there then, therefore if you can show that your father would be seventy-eight years old and was born in Mississippi or Alabama in the old Choctaw Nation and if you show that his father or mother or both were living there at that time then you will have established the fact that either his father or mother through whom he claimed his Choctaw blood was living in Mississippi in 1830 and was the head of a family in Mississippi in 1830; Now can you do that? A I think we can show it by witnesses.
- Q You are not able to say now? A No, sir.
- Q Through which parent did your father claim his Choctaw blood? His mother.
- Q What was her name? A Her maiden name was DeGraffenreed.
- Q What was her first name? A Lucy.
- Q Lucy DeGraffenreed? A Yes, sir.
- Q Did she ever live in the old Choctaw Nation in Mississippi or Alabama? A I don't know.
- Q You never heard? A Yes, I have heard.
- Q What did you hear? A I heard she did.
- Q Where, in Mississippi or Alabama? A In Mississippi.
- Q Did she live there in 1830? A Yes, that is what I have been told.
- Q Was she the head of a family there then, have children? A I don't know sir.
- Q How old would your grandmother Lucy be if living now? A Well sir, I don't know how old she would be.
- Q She claimed her Choctaw blood through which parent father or mother? A Her mother.
- Q What was her mother's name? A Lucy Thaxton.
- Q She claimed through which parent father or mother? A I don't know sir.
- Q Who is James W. Thaxton? A He was her father.
- Q She claims through James W. Thaxton then don't she? A Yes, sir.
- Q But you don't have to go beyond the mother of your father John she was the Choctaw ancestor who lived in Mississippi in 1830? A No, sir.
- Q How much Choctaw blood did your father's mother have? A Why I don't know.
- Q Was her name Lucy DeGraffenreed? A Yes, sir.
- Q That was her maiden name? A Yes, sir.
- Q She married Anglen? A Yes, sir.
- Q What was his name? A Joseph.
- Q Was he a white man? A Yes, sir.
- Q How much Choctaw blood did Lucy Anglen have? A I don't know.
- Q Was she your grandmother? A Yes, sir.
- Q Do you know where in Mississippi she lived in the year 1830? A No, 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 go from that old Choctaw Nation to the Choctaw Nation Indian Territory between the years 1833 and 1838? A I don't know 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 own any land 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.
- Q Did any of them own or claim 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 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 sir.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory 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 from the ratification of the treaty of 1830 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 and because of his failure to do so a good many Choctaw Indians who had land in Mississippi and Alabama in the old Choctaw Nation upon which they had improvements had them both taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837 by act of Congress approved March 3rd of that year Congress appointed a Commission which Commission went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. In 1842 another Commission was appointed by Congress for the same purpose under act approved August 23rd 1842 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 that treaty? A I don't know sir.

The act of Congress approved August 23rd 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also appeared that he had had land 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 sir.
- Q Have you any relatives who have been before this Commission to make application for identification as Mississippi Choctaws? A Yes, sir.
- Q Will you give me the name of some relative of yours who has been here? A Samuel M. Pyle.

Mississippi Choctaw No. 4597 is here referred to.

- Q What relation is he to you? A Cousin of mine.  
 Q Claim through the same ancestor through whom you claim? A Yes, sir.  
 Q That is going back to James W. Thaxton? A Yes, sir.  
 Q Have you other relatives who have been here to be identified as Mississippi Choctaws? A Yes, sir.  
 Q Would you like to have the record made in all of these cases all relatives who claim through the same ancestor considered with yours? A Yes, sir.  
 Q Have you any other relatives who have come to appear before the Commission to be identified? A We expect some here.  
 Q Claiming through the same common ancestor? A Yes, sir.  
 Q Do you understand the Choctaw language or speak it? A No, sir.  
 Q Any witnesses you want to introduce before the Commission? A No, sir.

Examination by attorney J. G. Ralls.

- Q Have you any children? A Yes, sir.  
 Q Are any of them present expecting to make application? A Yes, they are all here, four.  
 Q Will you give us the names of your children and their residence? A John R. Anglen, thirty-five, Gainesville, Texas.  
 Q Married or single? A He is married?  
 Q Next? A James L. thirty-three, Gainesville, Texas.  
 Q Married or single? A He is single.  
 Q Next? A W. D. Anglen.  
 Q What is the "W" for? A William.  
 Q How old is he? A Twenty-seven.  
 Q Married or single? A Single.  
 Q What is the name of the next? A Minnie B. Rock.  
 Q How old is she? A Twenty-two.  
 Q She is married? A Yes, sir.  
 Q Any others? A No, sir.  
 Q Your children John R. Anglen and Minnie Rock are present here to-day to make application? A Yes, sir.  
 Q Mr. Anglen you and the Pyles all claim through Lucy DeGraffenreed who married an Anglen? A Yes, sir.  
 Q It is a part of your family history that the Choctaw blood comes through her? A Yes, sir.  
 Q And that she got her Choctaw blood through her mother Lucy Thaxton who married a DeGraffenreed? A Yes, sir.  
 Q And that Lucy Thaxton was a daughter of James W. Thaxton? A Yes, sir.  
 Q Did you ever hear how much Choctaw blood James W. Thaxton had? A I heard he was one-half breed.

We want time in which to furnish other evidence in this case.

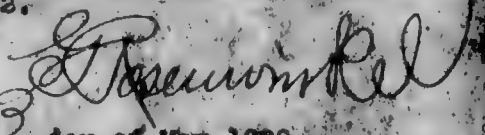
By the Commission.

A reasonable time will be allowed this applicant in which to introduce proper evidence in support of this application.

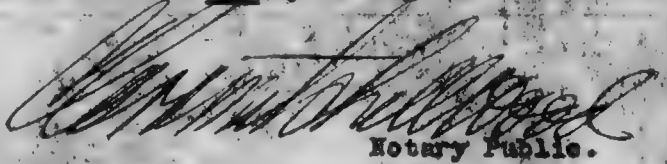
This applicant has the appearance and physical characteristics of being descended from white parentage; dark gray eyes; dark complexion; dark brown hair and a little gray. He does not under-

stand the Choctaw language and has 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 March 31, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.



Subscribed and sworn to before me this 3 day of May 1902.



Notary Public.

*Call*

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

In the matter of the application of Vinson Anglen, et al., for identification as Missionary Christians, consolidating the applications of:

Vinson Anglen,	M.C.R. 5044
John B. Anglen, et al.,	M.C.R. 5046
James L. Anglen,	M.C.R. 5047
William D. Anglen,	M.C.R. 5048
Elmie B. Beck, et al.,	M.C.R. 5045
Samuel M. Pyle, et al.,	M.C.R. 4897
Thomas Pyle, et al.,	M.C.R. 4612
Samuel G. Pyle, et al.,	M.C.R. 4613
Cornelia Battenfield, et al.,	M.C.R. 4602
Joseph Clinton Pyle, et al.,	M.C.R. 4614
Krisnan Bush, et al.,	M.C.R. 4604
George P. Pyle,	M.C.R. 4891
Charlotte J. Gifford, et al.,	M.C.R. 4726
Nettie Alexander, et al.,	M.C.R. 4608
Cincinnati Pyle,	M.C.R. 4603
John Ella Tompkins, et al.,	M.C.R. 4735
Nathaniel A. Pyle, et al.,	M.C.R. 4607
Alice Miller, et al.,	M.C.R. 4609
James H. Battenfield, et al.,	M.C.R. 5049
Arden A. Adams, et al.,	M.C.R. 5043
Gene E. Pyle, et al.,	M.C.R. 4601
Martha E. Baker, et al.,	M.C.R. 4605
James H. Battenfield, et al.,	M.C.R. 5049

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

It appears from the record herein that applications for

identifications as Massachusetts taxpayers were made to this Commission by Vincent Anglen for himself; by John R. Anglen for himself and his three minor children, Mary V., Cole R., and Thomas Jefferson Anglen; by James L. Anglen for himself; by William D. Anglen for himself; by Minnie E. Cook for herself and her minor child, Minnie Jewel Cook; by Samuel M. Pyle for himself and his three minor children, Gamaliel M., Charles Edwin and Orie V. Pyle; by Thomas Pyle for himself and his seven minor children, Annie E., Victor E., Emma I., Mary G., John M., Carl C. and Hester F. Pyle; by Samuel G. Pyle for himself and his six minor children, Mary, Elbert, Esser, Delora, Claud and Meatt Pyle; by Cornelia Battenfield for herself and her three minor children, George Moulton, Ethel and Albert Battenfield; by Joseph Clinton Pyle for himself and his two minor children, Jewel F. and Earl G. Pyle; by Arlisona Duss for herself and her two minor children, Mary and Willie M. Duss; by George F. Pyle for himself; by Charlette I. Girod for herself and her minor child, Grace Girod; by Nettie Alexander for herself and her three minor children, Effie E., Willis Virgil and Nye D. Alexander; by Cincinnati Pyle for herself; by John Ella Templen for herself and her two minor children, Annie M. and James Z. Templen; by Nathaniel A. Pyle for himself and his six minor children, Woodard D., James B., Essie B., Elmer A., Dula W. and Nathan G. Pyle; by Alice Miller for herself and her minor child, Annie Bell Roller; by Linnie Wilcher for herself and her minor child, Jennie Wilcher; by Wade L. Smith for his wife, Jennett Isabel Smith, and their six minor children, Arnold L., David F., Virgie E., William, Catherine Louisa and George E. Smith; by Ardena A. Adams for herself and her two minor children, Hester E. and Marrie J. Adams; by Gove H. Pyle for himself and his six minor children, Ella J., Willie

F., Catherine D., Lucy V., Mula N. and Obed Pyle; by Mamie H. Baker for herself and her six minor children, Albert Lee, Walter, Ada, Gertrude, Bessie and Vesta Baker, and by William Battenfield for his three minor children, James B., Mattie E. and Ethel Battenfield, 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 James William (or James, or William, or Jimmie, or Jim) Thaxton, and of Lucy DeGraffenreed (or DeGraffenreid, or DeGraffenried, nee Thaxton) and of Lucy Anglen (or Anglin, nee DeGraffenreed, or DeGraffenreid, or DeGraffenried), the first of whom is alleged to have been possessed of some Choctaw blood (degree thereof not stated) and the last two of whom are alleged to have been one-half blood Choctaws; all of whom are alleged to have resided in Mississippi in eighteen hundred and thirty.

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



Shall be tried, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1898 (30 Stat., 121).

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 have claimed thereunder, that the said James William (or James, or William, or Jimmie, or Jim) Thornton or Lucy DeGraffeurrod (or DeGraffeurrod, or DeGraffeurrod, nee Thornton) or Lucy Anglen (or Anglin, nee DeGraffeurrod, or DeGraffeurrod, or DeGraffeurrod,) or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Cheyenne Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1857 (9 Stat., 120) 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 Vincent Anglen, John B. Anglen, Mary V. Anglen, Wade B. Anglen, Thomas Jefferson Anglen, James L. Anglen, William D. Anglen, Minnie B. Cook, Minnie Jewel Cook, Samuel B. Pyle, Elizabeth M. Pyle, Charles Edwin Pyle, Onie V. Pyle, Thomas Pyle, Annie B. Pyle, Victor B. Pyle, Emma I. Pyle, Mary C. Pyle, John M. Pyle, Carl C. Pyle, Hester P. Pyle, Samuel C. Pyle, Mary Pyle, Elbert Pyle, Elmer Pyle, Delora Pyle, Glad Pyle, Matt Pyle, Cornelia Battenfield, George William Battenfield, Ethel Battenfield, Albert Battenfield, Joseph Clinton Pyle, Frank C. Pyle, Earl C. Pyle, Arisaca Cook, Mary Cook, William

M. Scott, George F. Pyle, Charlotte I. Crow, Grand Crow, Dennis  
 Mendenhall, Wyle E. Mendenhall, Willie Virgil Alexander, Ben D.  
 Alexander, Gwendolyn Pyle, John Ella Tomlin, Annie M. Tomlin,  
 Susan E. Tomlin, Elizabeth A. Pyle, Woodard W. Pyle, James S. Pyle,  
 Louis S. Pyle, Elmer A. Pyle, Ella E. Pyle, Nathan G. Pyle, Alice  
 Baker, Annie Bell Baker, Lizzie Wilcher, Josie Wilcher, Jennett  
 Isabel Nowlin, Arvilla D. Nowlin, David P. Nowlin, Virgie N. Nowlin,  
 Victor Nowlin, Catherine Louisa Nowlin, George R. Nowlin, Ardenn A.  
 Adams, Hector W. Adams, Furfie J. Adams, Gove N. Pyle, Ella J. Pyle,  
 Emily E. Pyle, Catherine D. Pyle, Lucy V. Pyle, Ella B. Pyle, Obed  
 Pyle, Minnie E. Baker, Albert Lee Baker, Walter Baker, Ada Baker,  
 Gertrude Baker, Bessie Baker, Vesta Baker, James E. Battenfield,  
 Mattie E. Battenfield and Ethel Battenfield as Choctaw Indians en-  
 titled 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 re-  
 fused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tama Dixby*

LEAVE CHAIRMAN

(SIGNED)

*T. B. Needler*

COMMISSIONER

Mustang, Indian Territory,

OCT 13 1902

*C. R. [Signature]*  
COMMISSIONER

Miss. Choctaw 5044

Muskogee, Indian Territory, May 3, 1902.

Joseph B. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 30, inclosing certified copy of marriage certificate between Vincent Anglin and Elisabeth Hathaway and certified copy of Marriage license between John Anglin and Vilesty Brown, which are offered in support of the application of Vinson Anglin for identification as a Mississippi Choctaw, and the same have been filed with the record in this case.

Yours truly,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, October 13, 1908.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of October, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Vinson Anglen, et al., embracing the following applications for identification as Mississippi Cheetaws:

Vinson Anglen,	M.C.R. 5044
John R. Anglen, et al.,	M.C.R. 5046
James L. Anglen,	M.C.R. 5047
William B. Anglen,	M.C.R. 5048
Minnie B. Rook, et al.,	M.C.R. 5045
Samuel M. Pyle, et al.,	M.C.R. 4597
Thomas Pyle, et al.,	M.C.R. 4612
Samuel G. Pyle, et al.,	M.C.R. 4613
Cornelia Battenfield, et al.,	M.C.R. 4608
Joseph Clinton Pyle, et al.,	M.C.R. 4614
Arizona Buss, et al.,	M.C.R. 4604
George F. Pyle,	M.C.R. 4881
Charlotta I. Girod, et al.,	M.C.R. 4736
Nettie Alexander, et al.,	M.C.R. 4603
Cincinnati Pyle,	M.C.R. 4606
John Ella Tampion, et al.,	M.C.R. 4736
Nathaniel A. Pyle, et al.,	M.C.R. 4598
Alice Keller, et al.,	M.C.R. 4601
Lizzie Wilcher, et al.,	M.C.R. 4599
Jenetti Isabel Nowlin, et al.,	M.C.R. 5050
Ardena A. Adams, et al.,	M.C.R. 5051

Gove N. Pyle, et al.,	M.C.R. 4607
Nannie E. Baker, et al.,	M.C.R. 4600
James E. Battenfield, et al.,	M.C.R. 8049

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 Vinson Anglen, John R. Anglen, Mary V. Anglen, Ocie R. Anglen, Thomas Jefferson Anglen, James L. Anglen, William D. Anglen, Minnie B. Rook, Minnie Jewel Rook, Samuel K. Pyle, Camaliel M. Pyle, Charles Edwin Pyle, Onie V. Pyle, Thomas Pyle, Annie B. Pyle, Victor E. Pyle, Emma I. Pyle, Mary C. Pyle, John H. Pyle, Carl G. Pyle, Hester P. Pyle, Samuel G. Pyle, Mary Pyle, Elbert Pyle, Escor Pyle, Delora Pyle, Claud Pyle, Hoatt Pyle, Cornelia Battenfield, George Houlton Battenfield, Nabel Battenfield, Albert Battenfield, Joseph Clinton Pyle, Jewel F. Pyle, Earl C. Pyle, Arizona Buce, Mary Buce, Willie M. Buce, George F. Pyle, Charlotte I. Girod, Gracie Girod, Nettie Alexander, Effie E. Alexander, Willie Virgil Alexander, Eva O. Alexander, Cincinnati Pyle, John Ella Tamplen, Annie M. Tamplen, James Z. Tamplen, Nathaniel A. Pyle, Woodard D. Pyle, James B. Pyle, Ronie B. Pyle, Elser A. Pyle, Eula N. Pyle, Nathen G. Pyle, Alice Roller, Annie Bell Roller, Lizzie Wilcher, Josie Wilcher, Jenetti Isabel Nowlin, Arnilda J. Nowlin, David P. Nowlin, Virgie N. Nowlin, Victor Nowlin, Catherine Louida Nowlin, George H. Nowlin, Ardena A. Adams, Rector N. Adams, Murrie J. Adams, Gove N. Pyle, Ella J. Pyle, Emily E. Pyle, Catherine D. Pyle, Lucy V. Pyle, Eula E. Pyle, Obed Pyle, Nannie E. Baker, Albert Lee Baker, Walter Baker, Ada Baker, Gertrude Baker, Bessie Baker, Vesta Baker, James E. Battenfield, Mattie E.

W. H. H. No. 2

Registered and shall be treated as Cherokee Indians entitled to rights in the several lands under the provisions of said article fourth of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be returned, and it is so ordered.

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

Respectfully,

(SIGNED)

*T. B. Neesh*

Commissioner in Charge.

Registered.

COPY,

M.C.R. 5044.

Kuskogee, Indian Territory, October 13, 1902.

Vinson Anglen,  
Gainesville, Texas.

Dear Sir:

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

Choctaws:

Vinson Anglen,	M.C.R. 5044
John R. Anglen, et al.,	M.C.R. 5046
James L. Anglen,	M.C.R. 5047
William D. Anglen,	M.C.R. 5048
Minnie B. Reek, et al.,	M.C.R. 5045
Samuel M. Pyle, et al.,	M.C.R. 4597
Thomas Pyle, et al.,	M.C.R. 4612
Samuel G. Pyle, et al.,	M.C.R. 4613
Cornelia Battenfield, et al.,	M.C.R. 4602
Joseph Clinton Pyle, et al.,	M.C.R. 4614
Arizona Huse, et al.,	M.C.R. 4604
George F. Pyle,	M.C.R. 4661
Charlotte I. Gird, et al.,	M.C.R. 4736
Nettie Alexander, et al.,	M.C.R. 4603
Cincinnati Pyle,	M.C.R. 4606
John Ella Temple, et al.,	M.C.R. 4736
Nathaniel A. Pyle, et al.,	M.C.R. 4596
Alice Keller, et al.,	M.C.R. 4601
Lissie Wilcher, et al.,	M.C.R. 4699
Jenetti Isabel Nowlin, et al.,	M.C.R. 5080
Ardena A. Adams, et al.,	M.C.R. 5051
Gove H. Pyle, et al.,	M.C.R. 4607
Hannie K. Baker, et al.,	M.C.R. 4600
James E. Battenfield, et al.,	M.C.R. 5049

V. A. No. 2.

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 Vinson Anglen, John R. Anglen, Mary V. Anglen, Ocie R. Anglen, Thomas Jefferson Anglen, James L. Anglen, William D. Anglen, Minnie B. Rook, Minnie Jewel Rook, Samuel N. Pyle, Camaliel M. Pyle, Charles Edwin Pyle, Onie V. Pyle, Thomas Pyle, Annie B. Pyle, Victor E. Pyle, Emma I. Pyle, Mary C. Pyle, John H. Pyle, Carl C. Pyle, Hester P. Pyle, Samuel G. Pyle, Mary Pyle, Albert Pyle, Escor Pyle, Delora Pyle, Claud Pyle, Keatt Pyle, Cornelia Battenfield, George Moulton Battenfield, Mabel Battenfield, Albert Battenfield, Joseph Clinton Pyle, Jewel F. Pyle, Karl C. Pyle, Arizona Buce, Mary Buce, Willie H. Buce, George F. Pyle, Charlette I. Girod, Gracie Girod, Nettie Alexander, Effie H. Alexander, Willie Virgil Alexander, Eva O. Alexander, Cincinnati Pyle, John Ella Templen, Annie M. Templen, James S. Templen, Nathaniel A. Pyle, Woodard D. Pyle, James R. Pyle, Resie B. Pyle, Elmer A. Pyle, Rula H. Pyle, Nathan G. Pyle, Alice Reller, Annie Bell Reller, Lizzie Wilcher, Josie Wilcher, Jennett Isabel Nowlin, Armilda J. Nowlin, David P. Nowlin, Virgie N. Nowlin, Victor Nowlin, Catherine Louisa Nowlin, George H. Nowlin, Ardona A. Adams, Hector W. Adams, Kuffie J. Adams, Gove W. Pyle, Ella J. Pyle, Emily R. Pyle, Catherine D. Pyle, Lucy V. Pyle, Rula E. Pyle, Obed Pyle, Wannie H. Baker, Albert Lee Baker, Walter Baker, Ada Baker, Gertrude Baker, Bessie Baker, Vesta Baker, James E. Battenfield, Mattie E. Battenfield and Ethel Battenfield as Choctaw Indians entitled 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



V. A. No. 2.

Should be refused, and it is so ordered.\*

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

Respectfully,

(SIGNED)

*L. E. Hodges*

Commissioner in Charge

Registered.

COPY.

M.C.R. 5044

Muskogee, Indian Territory, October 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Vinson Anglen, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 13th, 1902.

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

Vinson Anglen,	M.C.R. 5044
John R. Anglen, et al.,	M.C.R. 5046
James L. Anglen,	M.C.R. 5047
William D. Anglen,	M.C.R. 5048
Minnie B. Rock, et al.,	M.C.R. 5045
Samuel M. Pyle, et al.,	M.C.R. 4597
Thomas Pyle, et al.,	M.C.R. 4612
Samuel G. Pyle, et al.,	M.C.R. 4613
Cornelia Battenfield, et al.,	M.C.R. 4602
Joseph Clinton Pyle, et al.,	M.C.R. 4614
Arizona Duce, et al.,	M.C.R. 4604
George F. Pyle,	M.C.R. 4981
Charlotte I. Gired, et al.,	M.C.R. 4735
Nettie Alexander, et al.,	M.C.R. 4903
Cincinnati Pyle,	M.C.R. 4605
John Ella Templen, et al.,	M.C.R. 4736
Nathaniel A. Pyle, et al.,	M.C.R. 4595
Alice Roller, et al.,	M.C.R. 4561
Lizzie Wilcher, et al.,	M.C.R. 4599
Janetti Isabel Nowlin, et al.,	M.C.R. 5020
Ardana A. Adams, et al.,	M.C.R. 5051

The Commission has the honor to report that the  
Commissioner of Indian Affairs, and the  
Commissioner of the General Land Office  
have been fully advised by letter of the notice of the Commission,  
copies of said letters being attached to the records.

Respectfully,

(SIGNED),

*I. B. Neel*  
Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

A. S. S. S.

COPY

Muskogee, Indian Territory, October 13, 1908.

Mansfield, Murray &amp; Carnish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 15th day of October, 1908, the Commission to the Five Civilized Tribes rendered a decision in consolidated case of Vinson Anglen, et al., embracing the following applications for identification as Mississippi Choctaws:

Vinson Anglen,	M.C.R. 5044
John R. Anglen, et al.,	M.C.R. 5045
James L. Anglen,	M.C.R. 5047
William D. Anglen,	M.C.R. 5048
Minnie R. Bock, et al.,	M.C.R. 5049
Samuel H. Pyle, et al.,	M.C.R. 4897
Thomas Pyle, et al.,	M.C.R. 4812
Samuel C. Pyle, et al.,	M.C.R. 4823
Garnett Bantafield, et al.,	M.C.R. 4808
Joseph Clinton Pyle, et al.,	M.C.R. 4814
Arizona Duce, et al.,	M.C.R. 4804
George F. Pyle,	M.C.R. 4831
Charlotte I. Girard, et al.,	M.C.R. 4738
Hettie Alexander, et al.,	M.C.R. 4803
Cincinnati Pyle,	M.C.R. 4806
John Ella Temple, et al.,	M.C.R. 4736
Nathaniel A. Pyle, et al.,	M.C.R. 4898
Alice Hollar, et al.,	M.C.R. 4802
Lizzie Wilcher, et al.,	M.C.R. 4899
Janetti Isabel Nowlin, et al.,	M.C.R. 5080
Arizona A. Adams, et al.,	M.C.R. 5081

Gove N. Pyle, et al., M.C.R. 4607  
Nannie E. Baker, et al., M.C.R. 48893  
James E. Battenfield, et al., M.C.R. 5049

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 Vinson Anglen, John R. Anglen, Mary V. Anglen, Ocie R. Anglen, Thomas Jefferson Anglen, James L. Anglen, William D. Anglen, Minnie B. Rook, Minnie Jewel Rook, Samuel M. Pyle, Gamaliel M. Pyle, Charles Edwin Pyle, Onie V. Pyle, Thomas Pyle, Annie E. Pyle, Victor E. Pyle, Emma I. Pyle, Mary C. Pyle, John M. Pyle, Carl C. Pyle, Lester P. Pyle, Samuel G. Pyle, Mary Pyle, Elbert Pyle, Escor Pyle, Delora Pyle, Claud Pyle, Watt Pyle, Cornelia Battenfield, George Moulton Battenfield, Mabel Battenfield, Albert Battenfield, Joseph Clinton Pyle, Jewel F. Pyle, Earl C. Pyle, Arizona Buce, Mary Buce, Willie M. Buce, George F. Pyle, Charlotte I. Girod, Gracie Girod, Nettie Alexander, Effie E. Alexander, Willie Virgil Alexander, Eva O. Alexander, Cincinnati Pyle, John Ella Tamplen, Annie M. Tamplen, James Z. Tamplen, Nathaniel A. Pyle, Woodard D. Pyle, James B. Pyle, Rosie B. Pyle, Wilmer A. Pyle, Eula N. Pyle, Nathan C. Pyle, Alice Roller, Annie Bell Roller, Lizzie Wilcher, Josie Wilcher, Jenetti Isabel Nowlin, Amilda L. Nowlin, David P. Nowlin, Virgie N. Nowlin, Victor Nowlin, Catherine Louisa Nowlin, George H. Nowlin, Ardona A. Adams, Rector N. Adams, Muffie J. Adams, Gove N. Pyle, Ella J. Pyle, Emily E. Pyle, Catherine D. Pyle, Lucy V. Pyle, Eula E. Pyle, Obed Pyle, Nannie E. Baker, Albert Lee Baker, Walter Baker, Ada Baker, Gertrude Baker, Bessie Baker, Vesta Baker, James E. Battenfield, Mattie E. Battenfield and Ethel Battenfield as Choctaw

M. H. C.

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

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

Respectfully,

(SIGNED).

*I. B. Needles,*  
Commissioner in Charge

-1- COPY -1-

Land,

63451-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, December 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit herewith record of the Commission to the Five Civilized Tribes in the matters of the consolidated application for identification as Mississippi Choctaws of the following parties wherein a decision adverse to their claims was rendered by the Commission on October 03, 1902.

Vinson Anglen for himself; John R. Anglen for himself and three children, Mary V., Ocie R., and Thomas Jefferson Anglen, James L. Anglen, for himself; William B. Anglen for himself; B. Roek for herself and minor child, Minnie Jewel Roek; Samuel M. Pyle for himself and three children, Gamaliel M., Charles Edwin and Ocie V. Pyle; Thomas Pyle for himself and seven children, Annie B., Victor E., Emma I., Mary G., John M., Carl G., and Hester P. Pyle; Samuel G. Pyle, for himself and six children, Mary, Elbert, Escor, Delora, Claud and Moatt Pyle; Cornelia Battenfield for herself and three children, George Moulton, Mabel and Albert Battenfield.

Joseph Clinton Pyle for himself and two children, Jewel F. and Earl C. Pyle; Arizona Buce for herself and two children, Mary and Willie M. Buce; George F. Pyle for himself; Charlotte I. Girod for herself and child; Gracie Girod; Nettie Alexander for herself and three children, Effie E., Willie Virgil and Eva O. Alexnader; Cincinnati Pyle for herself; John Ella Tamplen for herself and two children, Annie M. and James Z. Tamplen; Nathaniel A. Pyle for himself and six children, Woodward D., James B., Rosie B., Elmer A., Eula N. and Nathan G. Pyle; Alice Roller for herself and minor child, Annie Bell Roller; Lizzie Wiloher for herself and child, Josie Wiloher; Wade H. Nowlin for his wife, Jenetti Isabel Nowlin and their six children, Armilda L., David P., Virgie N., Victor, Catherine Louida and George H. Nowlin; Ardena A. Adams for herself and two children Rector N., Murfie J. Adams; Gove H. Pyle for himself and six children, Ellie J., Emily F. Catherine D., Lucy V., Eula E., and Obed Pyle; Nannie E. Baker for herself and six children, Albert Lee, Walter, Ada, Gertrude, Bessie and Vesta Baker; and William Battenfield for his three children, James E. and Ethel Battenfield.

It appears from the testimony taken in this case, that the applicants base their claims to identification as Mississippi Choctaws on their descent from James W. Thaxton through Lucy (Thaxton) DeGraffenreid and Lucy (DeGraffenreid) Anglen, the first of whom being alleged to have been possessed of some Choctaw blood - degree not stated - and the last two being alleged to have been half blood Choctaws.



-:-3-:-

The Commission bases its decision rejecting these parties on the ground that its records fail to show that either James W. Thaxton, Lucy (Thaxton) DeGraffenreid or Lucy (DeGraffenreid) Anglen or any ancestor less remote, or any of the applicants ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

An examination of the records of this office discloses the fact that the names of James W. Thaxton, Lucy (Thaxton) DeGraffenreid and Lucy (DeGraffenreid) Anglen are not among the names of those Choctaw Indians who complied with or attempted to comply with the provisions of the 14th article of the treaty of 1830, and neither are there so found the names of any of their descendants, and the office recommends that the finding of the Commission rejecting the parties be approved.

Very respectfully,

W. A. Jones,  
Commissioner.

E. B. H. H'z.

-:- COPY -:-

D.C. 4807

J.W.E.

I.T.B. 7148-1902.  
7588- "  
27-1903.

DEPARTMENT OF THE INTERIOR.

FRE

WASHINGTON.

L.R.E.

February 17, 1903.

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

Gentlemen:

October 13, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Vinson Anglen (M.C.R. 5044), John R. Anglen, Mary V. Anglen, Ocie R. Anglen, Thomas Jefferson Anglen, James L. Anglen, William D. Anglen, Minnie B. Rock, Minnie Jewel Rock, Samuel M. Pyle, Gamaliel M. Pyle, Charles Edwin Pyle, Onie V. Pyle, Thomas Pyle, Annie B. Pyle, Victor E. Pyle, Emma I. Pyle, Mary G. Pyle, John M. Pyle, Carl G. Pyle, Hester P. Pyle, Samuel G. Pyle, Mary Pyle, Elbert Pyle, Estor Pyle, Delora Pyle, Gladi Pyle, Matt Pyle, Garnelia Battenfield, George Moulton Battenfield, Mabel Battenfield, Albert Battenfield, Joseph Clinton Pyle, Jewel F. Pyle, Earl G. Pyle, Arizona Buse, Mary Buse, Willie M. Buse, George F. Pyle, Charlotte I. Girod, Gracie Girod, Nettie Alexander, Effie E. Alexander, Willie Virgil Alexander, Eva G. Alexander, Cincinnati, Ohio, John Ella Tamplin, Annie M. Tamplin, James Z. Tamplin, Nathaniel

A' Pyle, Woodard D. Pyle, James B. Pyle, Rowie B. Pyle, Elmer A. Pyle, Eula N. Pyle, Nathan G. Pyle, Alice Roller, Annie Bell Roller, Lizzie Wilcher, Josie Wilcher, Jenetti Isabel Nowlin, Arnilda L. Nowlin, David P. Nowlin, Virgie N. Nowlin, Victor Nowlin, Catherine Louida Nowlin, George H. Nowlin, Ardena A. Adams, Rector N. Adams, Muffie J. Adams, Gove N. Pyle, Ellie J. Pyle, Emily P. Pyle, Catherine D. Pyle, Lucy V. Pyle, Eula E. Pyle, Obed Pyle, Nannie E. Baker, Albert Lee Baker, Walter Baker, Ada Baker, Gertrude Baker, Bessie Baker, Vesta Baker, James E. Battenfield, Mattie E. Battenfield and Ethel Battenfield, including your decision of the same date refusing to identify them as such.

These applicants are the descendants in the first, second, third and fourth degrees of Mrs. Joseph Anglen, nee Lucy DeGraffenried, from whom they trace their descent through two of her children, viz: John Anglen and Catherine G. Pyle.

It seems that Lucy (DeGraffenried) Anglen was the daughter of Mrs. Vincent DeGraffenried, a half blood Choctaw, whose maiden name was Lucy Thaxton. The latter was the daughter of James W. Thaxton, by his wife, who was a full blood Choctaw woman. There is no evidence showing either her Indian or English name prior to marriage.

It further appears that the said Lucy (Thaxton) DeGraffenried was the Choctaw head of a family in 1850; that she lived in Pontotoc county, Mississippi, about that time, and that she was the th

owner of land together with certain improvements, including fences and buildings, situated near Yellow Bush River.

In connection with the facts stated above, the depositions of Bart Franklin and Catherine Franklin have been considered. It is unnecessary to quote the deposition of the latter, as it is in all material points a reiteration of the former. Bart Franklin who is an ex-slave, states that he was born in Pontotoc county, Mississippi; that he lived there until 14 years of age, and that he removed to the Indian Territory in 1832. His deposition reads in part as follows:

"Q. Do you know whether or not Samuel M. Pyle (one of the applicants in the case) or any of his ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek?

A. Yes.

Q. In what manner did they comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek?

A. By going to the Commission shortly after the treaty was made, and declaring their intention to become United States citizens and wanting land.

Q. If they (the ancestors of Samuel M. Pyle) did own an improvement there state who it was that owned it and the relationship of the owner to Samuel M. Pyle, and how long they owned said improvement?

A. Lucy DeGraffenried, the great grandmother of Samuel M. Pyle, and she owned them when I left there.

Q. Do you know of your own personal knowledge whether or not Samuel M. Pyle or any of his ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek, went to the Indian Agent of the United States government therein Mississippi and told him that they wanted to remain in Mississippi or Alabama and take land there under the provisions of article fourteen of the treaty of 1830 and become citizens of those States?

A. Yes.

Q. Do you know whether or not Samuel M. Pyle or any of his ancestors ever claimed or received any land in Mississippi or Alabama from the United States government under the provisions of article fourteen of the treaty of Dancing Rabbit Creek?

A. They owned land when I left there, but (I) don't (know) whether they held it or not."

From the testimony quoted above, two inferences may arise. First, that some ancestor (name not given) of these applicants went to the United States Indian Agent after the treaty of 1830, and signified his intention to comply with the provisions of article 14 of said treaty, but owing to the negligence of the Agent, failed to receive any benefit by reason of such compliance; or, second, that the ancestor who signified an intention to remain in the State of Mississippi and become a citizen thereof under said article, was the aforesaid Lucy DeGraffenried, and that she actually did receive the land described as situated near the Yellow Bush River.

Even though the testimony in the case is considered sufficient to establish the first of these conclusions, no advantage would accrue by reason thereof to these applicants, in the absence of any testimony showing the name of <sup>the particular</sup> ancestor who signified his intention to Colonel Ward, in accordance with the provisions of said article 14. If the second conclusion, viz: That Lucy DeGraffenried received land from the government under said article, is correct, the records of the Indian Office would necessarily show that she received the land, or that land was reserved for her in accordance with the terms of said treaty.

On the contrary, however, the records of the government

in your possession, as well as those at the Indian Office, fail to show that Lucy DeGraffenried, or any of the other alleged ancestors of these applicants ever complied or attempted to comply with said article or with the subsequent acts relating thereto. It therefore follows, from either point of view, that these applicants have failed to establish their claims. It is possible that this conclusion would have been otherwise had the applicants furnished the Indian names of their ancestors.

Reporting in the matter December 5, 1902, the 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.

You are directed to furnish the principal applicant a copy of this decision, and to inform the other applicants that the same is subject to their inspection.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, February 28, 1903.

Mansfield, McKarray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 17th 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 Vinsen Anglen, et al., of which decision you were advised by mail on the 15th day of October, 1902.

Respectfully,

SIGNED

*Tame Bixby.*

Chairman.

COPY:

Muskogee, Indian Territory, February 26, 1903.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sirs:

You are hereby notified that on the 17th 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 Vinson Anglen, et al., of which decision you were advised by registered mail on the 13th day of October, 1902.

Respectfully,

(SIGNED)

*Tame Dixby.*

Chairman.



M. C. R. 5044

COPY.

Muskogee, Indian Territory, February 28, 1903.

Vinson Anglen,  
Gainesville, Texas.

Dear Sir:

You are hereby notified that on the 17th 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 Vinson Anglen, et al., of which decision you were advised by registered mail on the 15th day of October, 1902, and at the same time directed that you be furnished a copy of his decision in said case, which is herewith inclosed.

Respectfully,

SIGNED:

*Tamm Bixby.*

Chairman.

ENC. M. C. R. 5044

N O R 2564

McMurtre, Indian Territory, August 6, 1906.

R. L. Phillips,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th ultimo, in which you state that the applicants in the consolidated Mississippi Choctaw case of Vinson Anglen, et al. desire to reinstate their case and ask if it will be necessary to enter new papers all the way through the case.

Relative to the applicants in the above named case securing a rehearing in the matter of their application for identification as Mississippi Choctaws, you are informed that rehearsings in Mississippi Choctaw cases are only granted where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the Choctaw Nation in 1830 and heads of families, and, as such, complied or attempted to comply in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory

R L F 2

evidence, either oral or documentary; in others the applicants can accomplish the same results by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commission to the Five Civilized Tribes, and should be in the form of or accompanied by the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when and where said witnesses acquired their knowledge of the facts whereof it is expected that they will testify.

Respectfully,

Commissioner in Charge.

Jim, James, William or  
James William Thaxton?



Lucy Thaxton ?  
married

Vincent (or Vinson) DeGraffereid

Parents of



Lucy DeGraffereid ?  
married

Joseph Anglen ?



Patsy DeGraffereid ?

John A Anglen, dead  
married  
Viletia Brown, dead

mch  
5044

Vincent Anglen, 58  
married  
Elizabeth Hathaway, w.

mch  
5046

John R Anglen, 37  
married  
Missouri Thurmond, w.

mch  
5045

Mary V Anglen, 14  
"Ocie R. Anglen, 8  
Thomas Jefferson Anglen, 5

mch  
5047

James L Anglen, 35  
William D Anglin, 28

mch  
5048

mch  
5045

Minnie B Anglen, 2  
married  
David Cook, w.

mch  
5045

Minnie Jewel Anglen, 3

mch  
4612

Thomas Pyle 34  
married  
Nancy Kyles, w.

mch  
4617

Annie B. Pyle, 13  
Victor E Pyle, 11  
"Emma J. Pyle, 10  
"Mary C. Pyle, 9  
"John M. Pyle 7  
"Carl C Pyle, 4  
"Hester Pyle 2

mch  
4618

Samuel G. Pyle 32  
married  
Sarah M. Ebbie

mch  
4618

Mary Pyle 11  
"Elbert Pyle 10  
"Essex Pyle 7  
"Delora Pyle 4  
"Clara Pyle 2  
"Mott Pyle 9 mo

mch  
4599

Catherine G Anglen, 2  
married  
Samuel G. Pyle, 2.

Samuel M Pyle, 54.  
married  
Mary J. Elam, w.

mch  
4602

Cornelia Pyle, 29  
married  
James Battenfield, w.

mch  
4602

George M Battenfield 10  
"Mabel Battenfield, 8  
"Alberto Battenfield, 3

mch  
4614

Joseph Clinton Pyle, 36

mch  
4614

Jewel F. Pyle 3

Lucy Tharston ?  
 married  
 Vincent (or Vinson) DeGraffenreid

Parents

Lucy DeGraffenreid ?  
 married  
 Joseph Anglen ?

Patsy DeGraffenreid ?

William DeGraffenreid, ?

Betsy DeGraffenreid, ?

Catherine G. Anglen, 2  
 married  
 Samuel G. Pyle, 2.

mek  
 4597  
 Samuel M. Pyle, 54.  
 married  
 Mary J. Elam, w.

Minnie O. Anglen, 25  
 married  
 David Rook, w.  
 Minnie Jewel Anglen, 3

mek  
 4612  
 Thomas Pyle 34  
 married  
 Nancy Kyles, w.

mek  
 4617  
 Annie B. Pyle, 13  
 Victor E. Pyle, 11  
 " Emma J. Pyle, 10  
 " Mary C. Pyle, 9  
 " John M. Pyle 7  
 " Carl C. Pyle, 4  
 " Hester Pyle 2

mek  
 4613  
 Samuel G. Pyle 32  
 married  
 Sarah M. Ellis

mek  
 4613  
 Mary Pyle 11  
 " Albert Pyle 10  
 " Esser Pyle 7  
 " Delora Pyle, 4  
 " Claud Pyle 2  
 " Matt Pyle 9 mos.

mek  
 4602  
 Cornelia Pyle, 29  
 married  
 James Battenfield, w.

mek  
 4602  
 George M. Battenfield 10  
 Mabel Battenfield, 8  
 Alberto Battenfield, 3

mek  
 4614  
 Joseph Clinton Pyle, 36  
 married  
 Ada Byers, w.

mek  
 4614  
 Jewel F. Pyle 3  
 Earl C. Pyle 6m.

mek  
 4604  
 Arizona Pyle, 24  
 married  
 James J. Buca, w. Dead

mek  
 4604  
 Mary Buca 6  
 " Willie M. Buca 4

mek  
 4681  
 George F. Pyle, 22

mek  
 4593  
 Gamaliel M. Pyle, 19  
 Charles Edwin Pyle 16  
 Onie V. Pyle, 13

REFER TO M. G. R.

5044

Vinson Anglen, et al

Consolidated Case

Jim, James William, or  
James William Thaxton ?



Lucy Thaxton, ?  
married

Vincent (a Vinson) DeGraffenreid ?



Lucy DeGraffenreid ?  
married  
Joseph Anglen ?

Catherine G. Anglen, D  
married  
Samuel G. Pyle, D

Dick Anglen ?

Ben Anglen ?

Nancy Anglen ?

Patsy DeGraffenreid ?

John E. Pyle, dead  
wife  
Polly Ann Pyle, dead

<sup>mch 47 35</sup>  
Charlotte J. Pyle, 26  
married  
W. K. Girod, w

<sup>mch 47 35</sup>  
Gracie Girod, 6 m,

<sup>mch 46 03</sup>  
Nettie Pyle, 24  
married  
Ulysses M. Alexander, w

<sup>mch 46 03</sup>  
Effie E. Alexander, 5  
Willie Virgil Alexander, 3  
Eva O. Alexander, 2

<sup>mch 46 03</sup>  
Cincinnati Pyle, 22

<sup>mch 46 03</sup>  
John Ella Pyle, 20  
married  
James W. Tansplen, w

<sup>mch 46 03</sup>  
Nannie M. Tansplen, 3  
James G. Tansplen, 16 m

<sup>mch 46 03</sup>  
Alice Pyle, 21  
married  
G. P. Roller, w.

<sup>mch 46 03</sup>  
Annie Bell Roller, 4 m

<sup>mch 45 98</sup>  
Lizzie Pyle, 21, 1/6  
married  
John Wilcher, w.

<sup>mch 45 98</sup>  
Josie Wilcher, 2

<sup>mch 45 98</sup>  
Woodard D. Pyle, 20  
James B. Pyle, 16  
Rosie O. Pyle, 14  
Elmer A. Pyle, 9  
Eula N. Pyle, 5  
Nathan G. Pyle, 2

<sup>mch 45 98</sup>  
Nathaniel A. Pyle, 50  
wife  
Hannah A. Pyle, w.

<sup>mch 50 50</sup>  
Jenette Isabel Pyle, 43  
married  
Wade H. Nowlin, w.

<sup>mch 50 50</sup>  
Ardena A. Nowlin, 24  
married  
George Adams, w.  
Annilda Nowlin, 20  
David P. Nowlin, 18  
Virgie N. Nowlin, 14  
Victor Nowlin, 10  
Catherine Louisa Nowlin, 7  
George H. Nowlin, 4

<sup>mch 50 50</sup>  
Rector N. Adams, 4  
"Murphy, Adams, 2

Lucy Thaxton, 6  
 married  
 Vincent (a Vinson) DeGraffenreid?

Parents of

Lucy DeGraffenreid ?  
 married  
 Joseph Anglen ?

Catherine G. Anglen, D  
 married  
 Samuel G. Pyle, D

Dick Anglen ?

Ben Anglen ?

Nancy Anglen ?

Patsy DeGraffenreid ?

William DeGraffenreid ?

Betsy DeGraffenreid ?

<sup>mch 4598</sup>  
 Nathaniel A. Pyle, 50  
 wife  
 Hannah A. Pyle, w.

<sup>mch 5050</sup>  
 Jennette Isabel Pyle, 43  
 married  
 Wade H. Nowlin, w.

<sup>mch 4607</sup>  
 Gove N. Pyle, 39  
 wife  
 Louisa A. Pyle, w.

<sup>mch 4600</sup>  
 Nannie E. Pyle, 38  
 married  
 W. F. Baker, w.

Mollie Pyle, dead  
 married  
 William Battenfield, w.l.

Cincinnati Pyle 22  
<sup>mch 4776</sup>  
 John Ella Pyle, 20  
 married  
 James W. Sampson, w.

<sup>mch 4736</sup>  
 Annie M. Sampson, 3  
 James G. Sampson, 16 m

<sup>mch 4601</sup>  
 Alice Pyle 21  
 married  
 G. P. Roller, w.

<sup>mch 4601</sup>  
 Annie Bell Roller, 4 m

<sup>mch 4601</sup>  
 Lizzie Pyle, 21, 16  
 married  
 John Wilcher, w.

<sup>mch 4601</sup>  
 Josie Wilcher 25

<sup>mch 4601</sup>  
 Woodard D. Pyle 20  
 James B. Pyle, 16  
 Rosie B. Pyle, 14  
 Elmer A. Pyle, 9  
 Eula N. Pyle 5  
 Nathan G. Pyle 2

<sup>mch 5050</sup>  
 Ardona A. Nowlin, 24  
 married  
 George Adams, w.

<sup>mch 5050</sup>  
 "Murphy J. Adams 7

<sup>mch 5050</sup>  
 Annilda Nowlin, 20  
 David P. Nowlin, 18  
 Virgie H. Nowlin, 14  
 Victor Nowlin, 10  
 Catherine Louisa Nowlin  
 George H. Nowlin 4

<sup>mch 4607</sup>  
 Ellie J. Pyle, 15  
 Emily P. Pyle, 13  
 Catherine D. Pyle, 13  
 Lucy V. Pyle, 8  
 Eula E. Pyle, 6  
 Obed Pyle, 1

<sup>mch 4600</sup>  
 Albert Lee Baker 18  
 Walter Baker, 15  
 Ada Baker, 12  
 Gertrude Baker, 9  
 Bessie Baker, 6  
 Vesta Baker, 3

<sup>mch 5044</sup>  
 James E. Battenfield 15  
 Mathe E. Battenfield 13  
 Ethel Battenfield, 9



No. 5014

For Identification as a Mississippi Choctaw.

Date MAR 31 1902

Name Vinson Anglen

Age 58 - Blood don't know.

Post Office, Gainesville, Texas.

Father: John A. Anglen, d

Mother: ~~Biletia~~ d

Claims through father's wife Elizabeth Anglen, l.w.

No claim for wife -

~~Children:~~

Claims for sep alone.

Received -

Choctaw MCR 5045

Minnie B. Rook

See MCR 5044

MCR 5045

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 31, 1902.

5045

In the matter of the application for identification as Mississippi Choctaws of Minnie B. Rook for herself, and her minor child, Minnie Jewel Rook.

J. G. Ralls attorney appearing for applicants.

Minnie B. Rook being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Minnie B. Rook.  
Q How do you spell the last name? A R-o-o-k.  
Q What is your age? A Twenty-two.  
Q What is your post office address? A Gainesville, Texas.  
Q How long have you lived there? A Twenty-two years.  
Q Born there? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A Vince Anglen.  
Q V-i-n-s-o-n is it? A Yes, sir.  
Q What is your mother's name? A Elizabeth.  
Q Through which parent do you claim Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A I don't know.  
Q Is your father the same person who made application on this date March 31, to be identified as a Mississippi Choctaw? A Yes, sir.  
Q Has he ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.  
Q When and where were your father and mother married? I don't know  
Qx You can introduce proof of that marriage later? A Yes, sir.  
Q Are you married? A Yes, sir.  
Q Your husband is living? A Yes, sir.  
Q He is an Indian or white man? A White man.  
Q What is his name? A David Rook.  
Q Do you make any claim for your husband? A No, sir.  
Q Have you any children that you want to make application for? A Yes, sir.  
Q What is the name? A Minnie Jewel.  
Q Rook? A Yes, sir.  
Q How old is she? A Three years old.  
Q That is all? A Yes, sir.  
Q Is David Rook the father of Minnie? A Yes, sir.  
Q You and your husband are living together? A Yes, sir.  
Q The child living with you at your home? A Yes, sir.  
Q Were either you or your husband married before you married each other? 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 Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 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.
- Qx Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A I think so, I heard you explain it several times this morning.
- Q Would you like to have it explained to you further? A Perhaps it would be well.

The treaty of 1830 was made between the United States government and the Choctaw Indians in Mississippi, at a place called Dancing Rabbit Creek, on the 27th day of September of that year, and was made for the purpose of inducing the Choctaw Indians who lived in the old Choctaw Nation to go to the Choctaw Nation Indian Territory. A good many Indians refused to go under the provisions of that treaty and for their benefit and to protect their interest article fourteen was put into the treaty. 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 Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article? A I don't know
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw Indian who lived in the state of Mississippi or Alabama in the old Choctaw Nation in 1830 and who was the head of a family there then? A I don't know whether she was or not but it was Lucy DeGraffenreed.
- Q Whom did she marry? A She married Joseph Anglen.
- Q Was she a white woman? A No, sir; she was not.
- Q How much Choctaw blood did she have? A I don't know how much she claimed.
- Q Was she living in Mississippi in 1830 and did she have a family of children there then? A I don't know.
- Q How old would she be if living now? A I have no idea.

- Q You claim through your father? A Yes, sir.
- Q He is how old? A I believe fifty-eight.
- Q Where was he born? A Polk County, Missouri.
- Q He claims through which parent? A His father.
- Q How old would his father be if living now? A Seventy-eight I think.
- Q What was his father's name? A John A. Anglen.
- Q Was he born in the old Choctaw Nation? A I don't know where he was born? A A N
- Q Do you know whether he claimed through his father or mother? A His mother.
- Q You know what her name was? A Lucy DeGraffenreed was her maiden name.
- Q Did you ever hear in the family that Lucy DeGraffenreed who married Joseph Anglen lived either in Mississippi or Alabama? A I don't remeber.
- Q Then you can't give the name of any other ancestor who you know lived in the old Choctaw Nation in 1830? 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 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 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.
- Q Did any of your Choctaw ancestors claim any benefits in Mississippi or Alabama or own any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors claim or receive any land 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? A Not that I know of.
- Q Did they 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.

In 1837 by act of Congress approved March 3rd of that year a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 under act approved August 23rd of that year another Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830 and these Commissions made lists of the names of all Choctaw Indian claimants who came before them each one of them respectively. These Commissions were appointed to hear Choctaw Indian claimants who stated that they had gone before Colonel Ward, the United States Indian Agent, at his agency in Mississippi within six months after the ratification of the treaty of 1830 and attempted to register their names with him under article fourteen of that treaty but that he had neglected to put their names upon any list made by him. His failure to do so, caused a good many Indians who had land in Mississippi, in the old Choctaw Nation, upon which they had improvements to lose them both; both were taken from the by the government and sold at its public land sales.

- 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.

- Q Did any of your Choctaw ancestors receive any scrip or certificates from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land to replace the land which they had formerly held in the old Choctaw Nation and which the government had taken from them? A I don't know sir.
- Q Who is Samuel M. Pyle? A My cousin.

His number is referred to at this time, No. 4597.

- Q He has made application to be identified as Mississippi Choctaw? A Yes, sir.
- Q And other relatives also? A Yes, sir.
- Q Would you like to have the record made in these cases and the records made in the cases of your other relatives who claim through the same common ancestor consolidated with your case? A Yes, sir.
- Q Have you any other evidence or testimony that you want to introduce at this time? A No, sir.
- Q Do you understand or speak the Choctaw language? A No, sir.

A reasonable time will be allowed this applicant in which to introduce other evidence in this case if she desires, in support of her application.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium dark complexion; blue eyes; rather dark brown hair; she does not speak or 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 March 31, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

Subscribed and sworn to before me this 31 day of May 1902.

*G. Rosenwinkel*  
*[Signature]*  
Notary Public.

Muskogee, Indian Territory, October 13, 1902.

Minnie B. Rook,  
Gainesville, Texas.

Dear Madam:

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

Vinson Anglen,	M.C.R. 5044
John R. Anglen, et al.,	M.C.R. 5046
James L. Anglen,	M.C.R. 5047
William D. Anglen,	M.C.R. 5048
Minnie B. Rook, et al.,	M.C.R. 5045
Samuel M. Pyle, et al.,	M.C.R. 4597
Thomas Pyle, et al.,	M.C.R. 4612
Samuel G. Pyle, et al.,	M.C.R. 4613
Cornelia Battenfield, et al.,	M.C.R. 4602
Joseph Clinton Pyle, et al.,	M.C.R. 4614
Arizona Buce, et al.,	M.C.R. 4604
George F. Pyle,	M.C.R. 4881
Charlotte I. Girod, et al.,	M.C.R. 4735
Nattie Alexander, et al.,	M.C.R. 4603
Cincinnati Pyle,	M.C.R. 4606
John Ella Tamplen, et al.,	M.C.R. 4736
Nathaniel A. Pyle, et al.,	M.C.R. 4598
Alice Roller, et al.,	M.C.R. 4601
Lizzie Wilcher, et al.,	M.C.R. 4599
Jenetti Isabel Nowlin, et al.,	M.C.R. 5050
Ardna A. Adams, et al.,	M.C.R. 5051

Minnie B. Rook-2

Gove N. Pyle, et al., N.C.R. 4607  
Nannie E. Baker, et al., N.C.R. 4600  
James E. Battenfield, et al., N.C.R. 5049

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 Vinson Anglen, John R. Anglen, Mary V. Anglen, Ocie R. Anglen, Thomas Jefferson Anglen, James L. Anglen, William D. Anglen, Minnie B. Rook, Minnie Jewel Rook, Samuel M. Pyle, Gamaliel M. Pyle, Charles Edwin Pyle, Onie V. Pyle, Thomas Pyle, Annie B. Pyle, Victor E. Pyle, Emma I. Pyle, Mary C. Pyle, John M. Pyle, Carl C. Pyle, Hester P. Pyle, Samuel G. Pyle, Mary Pyle, Elbert Pyle, Escor Pyle, Delora Pyle, Claud Pyle, Moatt Pyle, Cornelia Battenfield, George Moulton Battenfield, Mabel Battenfield, Albert Battenfield, Joseph Clinton Pyle, Jewel F. Pyle, Earl C. Pyle, Arizona Buce, Mary Buce, Willie M. Buce, George F. Pyle, Charlotte I. Girod, Gracie Girod, Nettie Alexander, Effie E. Alexander, Willie Virgil Alexander, Eva O. Alexander, Cincinnati Pyle, John Ella Tamplen, Annie M. Tamplen, James Z. Tamplen, Nathaniel A. Pyle, Woodard D. Pyle, James B. Pyle, Rosie B. Pyle, Kimer A. Pyle, Eula N. Pyle, Nathan G. Pyle, Alice Roller, Annie Bell Roller, Lizzie Wilcher, Josie Wilcher, Jenetti Isabel Nowlin, Arnilda L. Nowlin, David P. Nowlin, Virgie N. Nowlin, Victor Nowlin, Catherine Louida Nowlin, George H. Nowlin, Ardens A. Adams, Rector N. Adams, Murfie J. Adams, Gove N. Pyle, Ella J. Pyle, Emily E. Pyle, Catherine D. Pyle, Lucy V. Pyle, Eula E. Pyle, Obed Pyle, Nannie E. Baker, Albert Lee Baker, Walter Baker, Ada Baker, Gertrude Baker, Bessie Baker, Vesta Baker, James E. Battenfield, Mattie E. Battenfield and Ethel Battenfield as Choctaw



Minnie B. Reck-3

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

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

Respectfully,

(SIGNED).

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

Registered.

COPY.

M.C.P. 5045

Muskogee, Indian Territory, February 28, 1903.

Minnie B. Brown,  
Gainesville, Texas.

Dear Madam:

You are hereby notified that on the 17th 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 Vinson Anglen, et al., of which decision you were advised by registered mail on the 13th day of October, 1902.

Respectfully,

(-SIGNED)

*James L. ...*  
Chairman.

No. 5045

For Identification as a Mississippi Choctaw.

Date MARCH 31, 1937.

Name Minnie B. Rook

Age 22 Blood Don't Know.

Post Office, Garnewille, Texas.

Father: Vinson Anglen l.

Mother: Elizabeth " l.

Claims through father  
~~husband~~ David Rook, l.w.

No claim for husband.

Children:

Minnie Jewel Rook. 3

Claims for self &  
child -

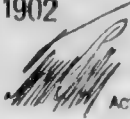
Stenographer S. R. ...

1772

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

**FILED**

NOV 24 1902



ACTING CHAIRMAN.



713

Returned to writer

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



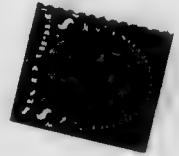
Minnie

B. Rock

Chairville

Returned to writer

Texas



Choctaw MCR 5046

John R. Anglen

MCR 5046

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 31, 1902.

5046.

In the matter of the application for identification as Mississippi Choctaws of John R. Anglen for himself and his three minor children, Mary V., Ocie R. and Thomas Jefferson Anglen.

J. G. Ralls attorney for applicants.

John R. Anglen being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A John R. Anglen.  
Q What is your age? A Thirty-seven.  
Q What is your post office address? A Gainesville, Texas.  
Q How long have you lived there? A Twenty-six years.  
Q Where were you born? A In Polk County, Missouri.  
Q Did you remove from Polk County Missouri to Texas? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A Vinson Anglen.  
Q He has made application on this date March 31, has he not? A Yes, sir.  
Q You claim through your father? A Yes, sir.  
Q What was your mother's name? A Elizabeth.  
Q How much Choctaw blood do you claim? A I don't know.  
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 Are you married? A Yes, sir.  
Q Is your wife living? A Yes, sir.  
Q What is her name? A Missouria.  
Q M-i-s-s-o-u-r-i-a? A Yes, sir.  
Q Is she an Indian or white woman? A White woman.  
Q He claim for her? A No, sir.  
Q Have you any children you want to make application for? A Yes, sir.  
Q What is the name of your oldest child under twenty-one years of age and unmarried? A Mary V.  
Q How old is she? A Fourteen years old.  
Q Next? A Ocie R.  
Q How do you spell that? A O-c-i-e.  
Q Boy or girl? A Boy.  
Q How old is he? A Eight years old.  
Q Next? A Thomas Jefferson.  
Q What is his age? A Five days.  
Q You make application for yourself and these 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.

#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 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 Do 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 You claim under articles fourteen do you? A Yes, sir.
- Q You understand that article of that treaty? A I think so; I heard you explain it.
- Q Would you like to have it further explained? A No, sir.

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 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.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A DeGraffenreed.
- Q What is the full name? A Lucy I believe.
- Q Who did she marry? A Joseph Anglen.
- Q How much Choctaw blood did she have? A I don't know.
- Q Was he a white man? A Yes, sir.
- Q Did Lucy Anglen live in Mississippi or Alabama in 1830? A I don't know.
- Q Don't know whether she ever lived in the old Choctaw Nation? A No, sir.
- Q Do you know of any of your ancestors if Choctaw Indians who did live in the old Choctaw Nation? A No, sir.
- Q You don't know anything of your ancestor who was the head of a family in Mississippi or Alabama in 1830? A No, sir.



- Q How old would Lucy DeGraffenreed be if living now? A I don't know.
- Q What relation was she to you? A My great great grandmother I suppose.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I don't know.
- 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 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 the years 1833 and 1838? A I did 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.
- Q Did any of your Choctaw ancestors own or claim 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 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 sir.

The Indians who remained in Mississippi refusing to go to the Choctaw Nation Indian Territory under the treaty of Dancing Rabbit Creek 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 Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do so caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both their land and their improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that Congress appointed a Commission in 1837 under an act approved March 3rd of that year which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 Congress appointed another Commission under an act approved August 23rd of that year for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and which was to replace the land they had formerly held in Mississippi and which the government had taken from them and sold? A I don't know.
- Q This scrip was issued under an act of Congress approved August 23, 1842, . Who is Samuel M. Pyle? A My cousin.
- Q He has made application to be identified as a Mississippi Choctaw? A Yes, sir.

44

His number M.C.R. 4597 is here referred to.

- Q You have other relatives also who have made application to be identified as Mississippi Choctaws? A Yes, sir.
- Q Would you like to have their case and yours consolidated? A Yes, sir.
- Q Have you any evidence that you want to introduce or any witnesses you want to call before the Commission now? A No, sir.

By attorney.

We would like time in which to furnish other evidence.

By the Commission.

A reasonable time is allowed this applicant in which to furnish other proper evidence in support of this application.

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

This applicant has the appearance and physical characteristics of being descended from white parentage; dark complexion; blue eyes; dark hair; he does not understand the Choctaw language and has 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 March 31, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

Subscribed and sworn to before me this 3 day of May 1902.

*G. Rosenwinkel*  
*[Signature]*  
Notary Public.

Miss. Choctaw 5046

Muskegee, Indian Territory, May 3, 1902.

J. G. Ralls,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of certified copy of the marriage license and certificate between J. R. Anglen and Missouri A. Thurmond, which is offered in support of the application of John R. Anglen, et al. for identification as Mississippi Choctaws. The same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 5046

Muskogee, Indian Territory, October 13, 1902.

John R. Anglen,  
Gainesville, Texas.

Dear Sir:

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

Vinson Anglen,	M.C.R. 5044
John R. Anglen, et al.,	M.C.R. 5046
James L. Anglen,	M.C.R. 5047
William D. Anglen,	M.C.R. 5048
Minnie B. Rook, et al.,	M.C.R. 5045
Samuel M. Pyle, et al.,	M.C.R. 4597
Thomas Pyle, et al.,	M.C.R. 4612
Samuel G. Pyle, et al.,	M.C.R. 4613
Cornelia Battenfield, et al.,	M.C.R. 4602
Joseph Clinton Pyle, et al.,	M.C.R. 4614
Arizona Bucc, et al.,	M.C.R. 4604
George F. Pyle,	M.C.R. 4881
Charlotte I. Girod, et al.,	M.C.R. 4735
Nettie Alexander, et al.,	M.C.R. 4603
Cincinnati Pyle,	M.C.R. 4606
John Ella Templen, et al.,	M.C.R. 4736
Nathaniel A. Pyle, et al.,	M.C.R. 4598
Alice Roller, et al.,	M.C.R. 4601
Lizzie Wilcher, et al.,	M.C.R. 4599
Jenetti Isabel Nowlin, et al.,	M.C.R. 5050
Ardena A. Adams, et al.,	M.C.R. 5051

John R. Anglen=2

Gove H. Pyle, et al.,	M.C.R. 4607
Nannie E. Baker, et al.,	M.C.R. 4600
James N. Battenfield, et al.,	M.C.R. 5049

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 Vinson Anglen, John R. Anglen, Mary V. Anglen, Ocie R. Anglen, Thomas Jefferson Anglen, James L. Anglen, William D. Anglen, Minnie B. Rook, Minnie Jewel Rook, Samuel M. Pyle, Gamaliel M. Pyle, Charles Edwin Pyle, Onie V. Pyle, Thomas Pyle, Annie B. Pyle, Victor E. Pyle, Emma I. Pyle, Mary C. Pyle, John M. Pyle, Carl C. Pyle, Hester P. Pyle, Samuel G. Pyle, Mary Pyle, Elbert Pyle, Esser Pyle, Delora Pyle, Claud Pyle, Noatt Pyle, Cornelia Battenfield, George Moulton Battenfield, Mabel Battenfield, Albert Battenfield, Joseph Clinton Pyle, Jewel F. Pyle, Earl C. Pyle, Arizona Buce, Mary Buce, Willie M. Buce, George F. Pyle, Charlotte I. Girod, Gracie Girod, Mattie Alexander, Effie E. Alexander, Willie Virgil Alexander, Eva O. Alexander, Cincinnati Pyle, John Ella Templen, Annie M. Templen, James Z. Templen, Nathaniel A. Pyle, Woodard D. Pyle, James B. Pyle, Rosie B. Pyle, Elmer A. Pyle, Eula E. Pyle, Nathan G. Pyle, Alice Roller, Annie Bell Roller, Lizzie Wilcher, Josie Wilcher, Jenetti Isabel Nowlin, Armilda L. Nowlin, David P. Nowlin, Virgie N. Nowlin, Victor Nowlin, Catherine Louida Nowlin, George H. Nowlin, Ardona A. Adams, Rector N. Adams, Maffie J. Adams, Gove H. Pyle, Ella J. Pyle, Emily E. Pyle, Catherine D. Pyle, Lucy V. Pyle, Eula E. Pyle, Obed Pyle, Nannie E. Baker, Albert Lee Baker, Walter Baker, Ada Baker, Gertrude Baker, Bessie Baker, Vesta Baker, James N. Battenfield, Mattie E. Battenfield, and Ethel Battenfield as Choctaw

John L. England

Indians entitled to rights in the Cession 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,

(SIGNED).

*E. J. [Signature]*  
Commissioner in Charge

Registered

COPY

Muskogee, Indian Territory, February 23, 1903.

John R. Anglen,  
Gainesville, Texas.

Dear Sir:

You are hereby notified that on the 17th 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 Vinson Anglen, et al., of which decision you were advised by registered mail on the 13th day of October, 1902.

Respectfully,

RECORDED

*Tame Bixby.*  
Chairman.

No. 5046

For Identification as a Mississippi Choctaw.

Date MAR 31 1902

Name John R. Anglen.

Age 37 - Blood Don't know

Post Office, Garfieldville, Texas.

Father: Vinson Anglen, l.

Mother: Elizabeth " " l.

Claims through father.

wife. Misouria Anglen, l. w.

No claim for wife.

Children:

Mary V. Anglen, 14

Ociel R. " M. 8

Thomas Jefferson " 5

Claims for self  
and children

4 Rowman



Choctaw MCR 5047

James L. Anglen

See MCR 5044

MCR 5047

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 31, 1902.

5047

In the matter of the application for identification as a  
Mississippi Choctaw of James L. Anglen.

J. G. Ralls attorney appearing for applicant.

James L. Anglen being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A James L. Anglen.  
Q What is your age? A Thirty-five.  
Q What is your post office address? A Gainesville, Texas.  
Q How long have you lived in Gainesville? A About twenty-six  
years.  
Q Where were you born? A Polk County, Missouri.  
Q Went from Missouri to Texas? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A Vinson Anglen.  
Q What is your mother's name? A Elizabeth.  
Q How much Choctaw blood do you claim? A I don't know.  
Q Do you claim through your father? A Yes, sir.  
Q Did he make application to be identified on this date March 31?  
A Yes, sir.  
Q Has he ever been recognized or enrolled as a member of the  
Choctaw tribe of Indians by the Choctaw tribal authorities in  
Indian Territory? A No, sir.  
Q Are you married? A No, sir.  
Q Claim for yourself alone? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation  
in 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 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 Do you now come before the Commission to identify yourself 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 sup-  
pose I do.

The treaty of 1830, some times called the treaty of Dancing  
Rabbit Creek, was made at a place by that name in Mississippi  
on the 27th day of September, 1830, between the United States

government and the Choctaw Indians. It was made for the purpose of moving all of the Choctaw Indians, as far as practicable, who lived in the old Choctaw Nation East of the Mississippi River 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 under that treaty and in order to protect their interests article fourteen was drafted and put into the treaty. That article reads, as follows:

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

- Q You think you understand that now? 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 DeGraffenreed.
- Q What is her given name? A Lucy.
- Q Whom did she marry? A John A. Anglen.
- Q It has been testified here that she married Joseph Anglen? A That is what it is.
- Q Was he a white man? A Yes, sir.
- Q How much Choctaw blood did she have? A Why I don't know; I have been told that she was a one-half breed.
- Q Did she live in the old Choctaw Nation either in Mississippi or Alabama in 1830? A I don't know.
- Q Don't know whether she was the head of a family there then? A No, sir.
- Q Do you know whether any of your Mississippi Choctaw ancestors lived in the old Choctaw Nation in 1830? A No, sir I do not.
- Q You claim through whom? A Through my father.
- Q He claims through whom; father or mother? A His father.
- Q He claims through his father? A Yes, sir.
- Q What was his father's name? A John Anglen.
- Q Did he ever live in Mississippi or Alabama? A I don't know.
- Q He claims through which parent father or mother? A Mother.
- Q Did she live in Mississippi in 1830? A I don't know.
- Q Or any other time? A I don't know.
- Q Did she live in Alabama? A I don't know.
- Q How old would Lucy DeGraffenreed or Anglen be if living now? I don't know.
- 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 Mississippi 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 they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.

- of the United States? A I don't know.
- Q Did any of your Mississippi 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.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under any other article of the treaty or 1830 than article fourteen or under the supplementary articles of that treaty? A 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 tribe of Indians other than the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.

The Choctaw Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen 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 Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements they had upon it; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that Congress in 1837 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 for the same purpose. This Commission also went to 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 Commissions and claimed benefits as Choctaw Indians under that article of that treaty? A No, sir I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly held in Mississippi and which the government had taken from them and sold? A I don't know.
- Q This scrip was issued under an act of Congress approved August 23, 1842. Who is Samuel M. Pyle? A My cousin.
- Q He has made application to be identified as a Mississippi Choctaw before the Commission? A Yes, sir.

His number 4597 is here referred to.

- Q Would you like to have the testimony given by him in his case and by your other relatives who have appeared before the Commission to be identified as Mississippi Choctaws claiming through the same common ancestor taken into connection with your own testimony? A Yes, sir.

#4

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

Q Have you any evidence or any witnesses you want to present to the Commission at this time? A

By attorney.

Q We want some time in which to furnish other evidence.

By the Commission.

A reasonable time is allowed this applicant in which to furnish other evidence in support of this application.

Q Is there anything more you would like to say in support of this claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark complexion; dark brown eyes; black hair; he has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830. In the opinion of the Commission this applicant shows traces of other blood than white blood which is undoubtedly Indian blood and this opinion of the Commission is evidenced from the fact that there is a certain dark coloring of the complexion which is a peculiar characteristic of a strain of Indian blood which this applicant says is Choctaw Indian blood.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 31, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

Subscribed and sworn to before me this 3 of May 1902.

*G. Rosenwinkel*  
*[Signature]*

Notary Public.

Muskogee, Indian Territory, October 13, 1902.

James L. Anglen,  
Gainesville, Texas.

Dear Sir:

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

Vinson Anglen,	M.C.R. 5044
John R. Anglen, et al.,	M.C.R. 5046
James L. Anglen,	M.C.R. 5047
William D. Anglen,	M.C.R. 5048
Minnie B. Rook, et al.,	M.C.R. 5045
Samuel M. Pyle, et al.,	M.C.R. 4597
Thomas Pyle, et al.,	M.C.R. 4612
Samuel G. Pyle, et al.,	M.C.R. 4613
Cornelia Battenfield, et al.,	M.C.R. 4602
Joseph Clinton Pyle, et al.,	M.C.R. 4614
Arizona Buce, et al.,	M.C.R. 4604
George F. Pyle,	M.C.R. 4981
Charlotte I. Girod, et al.,	M.C.R. 4735
Nettie Alexander, et al.,	M.C.R. 4603
Cincinnati Pyle,	M.C.R. 4606
John Ella Tamplen, et al.,	M.C.R. 4736
Nathaniel A. Pyle, et al.,	M.C.R. 4598
Alice Roller, et al.,	M.C.R. 4601
Lizzie Wilcher, et al.,	M.C.R. 4599
Jenetti Isabel Nowlin, et al.,	M.C.R. 5050
Ardena A. Adams, et al.,	M.C.R. 5051

James L. Anglen-2

Gove N. Pyle, et al., M.C.R. 4607  
Nannie E. Baker, et al., M.C.R. 4600  
James E. Battenfield, et al., M.C.R. 5049

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 Vinson Anglen, John R. Anglen, Mary V. Anglen, Ocie R. Anglen, Thomas Jefferson Anglen, James L. Anglen, William D. Anglen, Minnie B. Rook, Minnie Jewel Rook, Samuel M. Pyle, Samuel M. Pyle, Charles Edwin Pyle, Onie V. Pyle, Thomas Pyle, Annie B. Pyle, Victor B. Pyle, Emma I. Pyle, Mary C. Pyle, John M. Pyle, Carl C. Pyle, Hester P. Pyle, Samuel G. Pyle, Elbert Pyle, Escoor Pyle, Delora Pyle, Claud Pyle, Montt Pyle, Cornelia Battenfield, George Moulton Battenfield, Mabel Battenfield, Albert Battenfield, Joseph Clinton Pyle, Jewel P. Pyle, Earl C. Pyle, Arizona Buce, Mary Buce, Willie M. Buce, George F. Pyle, Charlotte I. Girod, Gracie Girod, Nettie Alexander, Effie E. Alexander, Willie Virgil Alexander, Eva O. Alexander, Cincinnati Pyle, John Ella Templen, Annie M. Templen, James Z. Templen, Nathaniel A. Pyle, Woodard D. Pyle, James B. Pyle, Rosie B. Pyle, Elmer A. Pyle, Eula N. Pyle, Nathan G. Pyle, Alice Roller, Annie Bell Roller, Lizzie Wilcher, Josie Wilcher, Jenetti Isabel Nowlin, Armilda L. Nowlin, David P. Nowlin, Virgie N. Nowlin, Victor Nowlin, Catherine Louida Nowlin, George H. Nowlin, Ardena A. Adams, Rector N. Adams, Murfie J. Adams, Gove N. Pyle, Ella J. Pyle, Emily E. Pyle, Catherine D. Pyle, Lucy V. Pyle, Eula E. Pyle, Obed Pyle, Nannie E. Baker, Albert Lee Baker, Walter Baker, Ada Baker, Gertrude Baker, Bessie Baker, Vesta Baker, James E. Battenfield, Mattie E.

James L. Anglen

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

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

Respectfully,

(SIGNED)

*A. D. J. Meeker*

Commissioner in Charge

Registered



M.C.R. 5047

CU: 7

Muskogee, Indian Territory, February 23, 1903.

James L. Anglen,  
Gainesville, Texas.

Dear Sir:

You are hereby notified that on the 17th 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 Vinson Anglen, et al., of which decision you were advised by registered mail on the 13th day of October, 1902.

Respectfully,

(SIGNED).

*James Pickens*

Chairman.

No. 5047

For Identification as a Mississippi Choctaw.

Date

MAR 1 1902

Name James L. Anglen

Age 35

Blood Don't know

Post Office, Gainesville, Texas

Father: Vinson Anglen, l

Mother: Elizabeth " l

Claims through father -

Children:

Claims for self alone

Choctaw MCR 5048

William D. Anglen

See MCR 5044

MCR 5048

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 31, 1902.

5048

In the matter of the application for identification as a  
Mississippi Choctaw of William D. Anglen.

J. G. Ralls attorney for applicant.

William D. Anglen being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A William D. Anglen.  
Q What is your age? A Twenty-eight.  
Q What is your post office address? A Gainesville, Texas.  
Q Where were you born? A Missouri, Polk County.  
Q At the age of two you removed to Texas? A Yes, sir.  
Q your father's name is what? A Vinson.  
Q He is living? A Yes, sir.  
Q He made application to be identified as a Mississippi Choctaw  
did he not? A Yes, sir.  
Q Your mother's name is what? A Elizabeth.  
Q She is living? A Yes, sir.  
Q How much Choctaw blood do you claim? A I don't know sir.  
Q Was 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 Are you married? A No, sir.  
Q You claim for yourself alone? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation  
in Indian Territory? A No, sir.  
Q 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 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 article fourteen of that treaty? A No, sir.

The treaty of 1830 was made between the United States govern-  
ment and the Choctaw tribe of Indians at a place called Dancing  
Rabbit Creek in the state of Mississippi on the 27th day of  
September 1830 and was made for the purpose of removing the  
Choctaw Indians, as far as practicable, from the old Choctaw  
Nation East of the Mississippi River 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 the interests of those Indians who remained there in the old Choctaw Nation article fourteen was put into the treaty. The treaty was then signed and afterwards on the 24th day of February 1831 ratified. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter 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 Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty?  
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; you claim through whom? A My father.
- Q Well your ancestor further back? A My father's grandmother.
- Q What was her name? A Lucy DeGraffenreed; that was her maiden name.
- Q She married whom? A Joseph Anglen.
- Q Was he a white man? A Yes, sir.
- Q How much Choctaw blood did she have? A I don't know.
- Q You claim your Choctaw blood through her do you? A Yes, sir.
- Q Did she live in Mississippi or Alabama? A I don't know.
- Q Did you ever hear that she lived in either state? A I don't remember that I have heard it.
- Q Can you give me the name of any of your Choctaw ancestors who lived in the old Choctaw Nation East of the Mississippi River in Mississippi or Alabama? A Only what I have been told.
- Q What have you been told? A I have heard that her,--that her mother, Lucy Thaxton lived there.
- Q How did Lucy DeGraffenreed have that as her maiden name if her mother was Lucy Thaxton? A I don't know.
- Q Who did Lucy Thaxton marry? A I don't know; I don't know that I ever heard. I might have got mixed in that, she might have married a DeGraffenreed.
- Q Lucy DeGraffenreed you say was the name of your ancestor? A Yes, sir.
- Q She married Joseph Anglen? A Yes, sir.
- Q Therefore her mother's name must have been DeGraffenreed? A Yes, sir.
- Q Well did you ever hear that Lucy Anglen lived in the old Choctaw Nation in Mississippi or Alabama? A No, sir.

#3

- Q You don't know anything about that? A No, sir.
- Q How old would she be if living now? A I don't know.
- Q Did your father ever live in the old Choctaw Nation in Mississippi or Alabama? A No, sir.
- Q Through whom did he claim his Choctaw blood? A Through his father.
- Q Did he ever live in Mississippi or Alabama? A Not that I know of.
- Q Through whom did he claim his Choctaw blood? A His mother.
- Q Her name was what? A Her maiden name was DeGraffenreed.
- Q Full name? A Lucy DeGraffenreed.
- Q You don't know where she lived? 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 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.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838 or forty? A I don't know.
- 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.
- Q Did they own or claim any land or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplementary articles of that treaty? A I don't know.
- Q Did they ever 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 Choctaw Indians who remained in Mississippi and Alabama in the old Choctaw Nation 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 Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His failure to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements which they had upon it. Both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians, especially those who lost their land, that Congress in 1837 under an act approved March 3rd of that year appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress under an act approved August 23rd of that year and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Do you know whether any of your Choctaw ancestors appeared before either the Commission of 1837 or the Commission of 1842 and claimed benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir.

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 further appeared that he had had land in Mississippi 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 to him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians under article fourteen? A I don't know.
- Q Who is Samuel M. Pyle? A My cousin.
- Q He has made application to be identified as a Mississippi Choctaw? A Yes, sir.
- Q And other relatives have also made application before this Commission? A Yes, sir.

The case of Samuel M. Pyle M.C.R. 4597 is here referred to.

- Q You want to have his testimony and that of other relatives claiming through the same common ancestor considered with yours? A Yes, sir.
- Q You have no documentary or other proper evidence you want to introduce now? A

Attorney.

We want a reasonable time to furnish further evidence.

- Q You have no witness to call at this time?

Attorney.

No, sir.

A reasonable time will be allowed this applicant in which to introduce other evidence in support of this claim.

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

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; florid complexion; brown hair; he has no knowledge of the Choctaw language 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 March 31, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

Subscribed and sworn to before me this 3 day of May 1902.

*G. Rosenwinkel*  
Notary Public.

COPY.

Muskogee, Indian Territory, October 13, 1902.

William D. Anglen,  
Gainesville, Texas.

Dear Sir:

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

Vinson Anglen,	M.C.R. 5044
John R. Anglen, et al.,	M.C.R. 5046
James L. Anglen,	M.C.R. 5047
William D. Anglen,	M.C.R. 5048
Minnie B. Rook, et al.,	M.C.R. 5048
Samuel M. Pyle, et al.,	M.C.R. 4597
Thomas Pyle, et al.,	M.C.R. 4612
Samuel G. Pyle, et al.,	M.C.R. 4613
Cornelia Battenfield, et al.,	M.C.R. 4602
Joseph Clinton Pyle, et al.,	M.C.R. 4614
Arizona Duce, et al.,	M.C.R. 4604
George F. Pyle,	M.C.R. 4881
Charlotte I. Gird, et al.,	M.C.R. 4735
Netsie Alexander, et al.,	M.C.R. 4603
Cincinnati Pyle,	M.C.R. 4606
John Ella Targlen, et al.,	M.C.R. 4756
Nathaniel A. Pyle, et al.,	M.C.R. 4598
Alice Roller, et al.,	M.C.R. 4601
Lizzie Wilcher, et al.,	M.C.R. 4599
Jenetti Isabel Nowlin, et al.,	M.C.R. 5050
Ardena A. Adams, et al.,	M.C.R. 5051



William D. Anglen-3

Gove N. Pyle, et al., M.C.R. 4607  
Nannie E. Baker, et al., P.C.R. 4600  
James W. Battenfield, et al., M.C.R. 5049

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 Vinson Anglen, John R. Anglen, Mary V. Anglen, Ocie R. Anglen, Thomas Jefferson Anglen, James L. Anglen, William D. Anglen, Minnie B. Rook, Minnie Jewel Rook, Samuel M. Pyle, Gamaliel M. Pyle, Charles Edwin Pyle, Onie V. Pyle, Thomas Pyle, Annie B. Pyle, Victor E. Pyle, Emma I. Pyle, Mary C. Pyle, John E. Pyle, Carl C. Pyle, Hester P. Pyle, Samuel G. Pyle, Mary Pyle, Elbert Pyle, Escor Pyle, Delora Pyle, Claud Pyle, Loatt Pyle, Cornelia Battenfield, George Moulton Battenfield, Mabel Battenfield, Albert Battenfield, Joseph Clinton Pyle, Jewel F. Pyle, Earl C. Pyle, Arizona Buce, Mary Buce, Willie M. Buce, George F. Pyle, Charlotte I. Girod, Gracie Girod, Nettie Alexander, Effie E. Alexander, Willie Virgil Alexander, Eva O. Alexander, Cincinnati Pyle, John Ella Tamplen, Annie M. Tamplen, James Z. Tamplen, Nathaniel A. Pyle, Woodard D. Pyle, James B. Pyle, Rosie E. Pyle, Elmer A. Pyle, Eula N. Pyle, Nathan G. Pyle, Alice Roller, Annie Bell Roller, Lizzie Wilcher, Jessie Wilcher, Jenetti Isaac Nowlin, Arnelida L. Nowlin, David P. Nowlin, Virgie N. Nowlin, Victor Nowlin, Catherine Louisa Nowlin, George H. Nowlin, Ardena A. Adams, Rector N. Adams, Muffie J. Adams, Gove N. Pyle, Ella J. Pyle, Emily E. Pyle, Catherine D. Pyle, Lucy V. Pyle, Eula E. Pyle, Obed Pyle, Nannie E. Baker, Albert Lee Baker, Walter Baker, Afa Baker, Gertrude Baker, Bessie Baker, Vesta Baker, James E. Battenfield, Mattie E. Battenfield and Ethel Battenfield as Choctaw

William D. Anglen

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

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

Respectfully,

(SIGNED).

*W. D. Anglen*  
Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, February 28, 1903.

William D. Anglen,

Memphis, Tenn.

You are hereby notified that on the 17th 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 Vinson Anglen, et al., of which decision you were advised by registered mail on the 13th day of October, 1902.

Respectfully,

*Tame Dixby.*

Chairman.

No. 5048

For Identification as a Mississippi Choctaw.

Date

MAR 31 1902

Name William D. Anglen

Age 28 Blood Don't Know.

Post Office, Gaineville, Texas

Father: Vinson Anglen. l

Mother: Elizabeth. " l

Claims through father —

~~Children:~~

Claims for self  
alone

Stenographer G. Rosenwinkel

Choctaw MCR 5049

James E. Battenfield

by

William Battenfield

See MCR 5044

MCR 5049

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 31, 1902.

5049

In the matter of the application of William Battenfield for the identification of his three minor children, James E., Mattie E., and Ethel Battenfield, as Mississippi Choctaws.

J.G.Ralls, att'y for applicant.

William Battenfield being duly sworn testified as follows:

- Q What is your name? A William Battenfield;(spelled out).  
Q What is your age? A Forty.  
Q What is your postoffice address? A Gainesville, Texas.  
Q How long have you lived there? A I have lived at Gainesville and in Cook County ever since 1890.  
Q Where did you live before that? A Grayson County, Texas.  
Q Where were you born? A Born in Arkansas.  
Q What place? A Polk County.  
Q When did you leave that State? A In 1884.  
Q You were how old then? A I don't know just now.  
Q You went where? A To Cook County, Texas.  
Q Is your father living? A No sir.  
Q Is your mother living? A Yes sir.  
Q What was your father's name? A G.W.Battenfield.  
Q What is your mother's name? A Matilda Battenfield.  
Q through which parent do you claim Choctaw blood? A Through my wife; I don't claim any, I am putting in for my children.  
Q You are a white man, are you? A Yes sir.  
Q Do you claim any Choctaw blood yourself? A No sir.  
Q What are you making claim for? A My children.  
Q Is your wife dead? A Yes sir.  
Q How many children did she have? A Three.  
Q Three minor children; is that right? A Yes sir.  
Q You now appear before the Commission as the husband of a Mississippi Choctaw who is deceased? A Yes sir.  
Q And for the purpose of making claim for your three minor children?  
A Yes sir.  
Q What was your wife's name? A Mollie.  
Q Battenfield? A Yes; her maiden name was Pyle.  
Q She is dead, is she? A Yes sir.

- Q When did she die? A In 1896.  
Q What day of the month? A April 27, I believe.  
Q Where did she die? A Cook County.  
Q What State? Can't you tell me? I don't know where Cook County is unless you tell me. A Texas.  
Q How much Choctaw blood did your wife, Mollie, have? A I don't know.  
Q How do you know she had any Choctaw blood? A I can't tell you only just what they say.  
Q Who says? A Her mother claimed;  
Q Is her father living? A No sir.  
Q Is her mother living? A No sir.  
Q What was her father's name? A S.G.Pyle.(Spelled out.)  
Q And her mother's name was what? A Catherine G. Pyle.  
Q Through which parent did she claim her Choctaw blood? A Her mother.  
Q Do you know how much Choctaw blood her mother had? A No sir; her mother's maiden name was Anglin.  
Q Was your wife, Mollie ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know of.  
Q What are the names of the children that you want to make application for now as claiming through their mother, Mollie? A James E. Battenfield, age fifteen; the next is Mattie E. Battenfield, age thirteen.  
Q The next? A Ethel Battenfield, age nine.  
Q Is that all? A Yes sir.  
Q You claim for these three children, do you? A Yes sir.  
Q When and where were you married to your wife, Mollie? A Cook County, Texas.  
Q What day of the month and year? A Feb.4th, 1886.  
Q By a minister and under a license? A Yes sir.  
Q Have you your marriage license and certificate with you? A Yes sir.

Marriage license and certificate of the marriage of William Batenfield and Mollie Pyle introduced by this applicant, received, filed, marked Exhibit "A" and made a part of the record in this case.

- Q Is this William Batenfield supposed to be your name? A yes sir.  
Q But your name is Ba-t-t-enfield? A yes sir; I never noticed that I think it is just a mistake in the Clerk.  
Q Are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.  
Q Have your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in the Indian Territory? A No sir.  
Q Was any one ever made application for citizenship in the Choctaw Nation for these three children to the Choctaw tribal authorities in the Indian Territory? A No sir.  
Q Has any one ever made application for citizenship in the Choctaw Nation for them to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

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

A. No sir.

Q. Do you now come before the Commission for the purpose of making application for them for identification 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 think so.

Q. Do you care for a further explanation? A. No, I don't think I do.

Q. Without the explanation, 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 intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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 the ancestors of these children comply or attempt to comply with any of the provisions of that article? A. I don't know.

Q. What is the name of the ancestor of these children through whom they claim their right to be identified as Mississippi Choctaws?

A. Anglin, I guess.

Q. What is the full name? A. What is the full name? A. DeGraffenried; Lucy DeGraffenried.

Q. Whom did Lucy DeGraffenried marry? A. I have been told she married an Anglin.

Q. Joseph Anglin? A. Yes sir.

Q. You remember that name do you, Joseph? A. Yes sir.

Q. Was he a white man? A. I never seen him.

Q. Did you ever hear whether he was white or Indian? A. Always told me he was white.

Q. How much Choctaw blood did she have? A. I don't know.

Q. What kin was she to these three children? A. She was great great grandmother, I reckon.

Q. Did she live in Mississippi in 1830 or in Alabama? A. Their grandmother claimed, I think, to live there.

Q. That Lucy lived there? A. Yes sir.

Q. Do you know whether she lived therein the year 1830 and had a family of children there then? A. I don't know.

Q. Did you ever hear? A. I don't know.

Q. Can you give the name of the Choctaw ancestors of these children who lived in the old Choctaw nation in 1830 in Mississippi or Alabama and who were heads of families there then? A. No sir.

Q. How old would she be if living now? A. I can't tell you.



- Q Where was she born? A I don't know.
- Q Do you know when she was born? A No.
- Q Do you know when and where she died? A I don't know that.
- Q Well these children claim through their mother, Catherine G. Battenfield? A Pyle.
- Q Well, she married-- A No sir.
- Q It is Mollie Battenfield and her maiden name was Pyle? A Yes sir.
- Q They claim through her? A Yes sir.
- Q How old was she when she died? A She was born in '66 and died in 196.
- Q She claimed through her mother, Catherine G.? A Yes sir.
- Q Well, now, did Catherine G. Pyle ever live in Mississippi? A I don't know.
- Q Or in Alabama? A I don't know.
- Q Did she claim through her father or mother? A She claimed through her mother, Catherine G.
- Q Did she live in Mississippi or Alabama? A I think so; I have been told.
- Q What was her name? A I can't tell you.
- Q Well, whatever her name was-- can you tell whether she lived in Mississippi or Alabama in 1830 and had a family of children there then? A No, I don't know.
- Q Did any of the Choctaw ancestors of these children own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of the Choctaw ancestors of these children within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of the Choctaw ancestors of these children go from the old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838? A I don't know.
- Q Did any of them own or claim any land in Mississippi or Alabama either under article fourteen of the treaty of 1830 or under any other article of that treaty or under the supplement to that treaty? A I don't know.
- Q Did any of the Choctaw ancestors of these children claim any benefits under any treaty made between the United States and the Choctaw Indians other than the treaty of 1830? A I don't know.

The Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian agent, Col. 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 Choctaw Indians did this whose names Col. Ward, the agent, failed to put upon his list known as Ward's register and the result of his failure was to cause a good many Indians who held land in the old Choctaw Nation upon which they had improvements to lose them both, for they were taken by the Government and sold; this caused so many complaints among the Choctaw Indians that in

1837, by an act approved March 3, that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of that treaty; in 1842 another Commission was appointed for the same purpose; this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of the Choctaw ancestors of these children go before either of these Commissions and claim benefits as Choctaw Indians under that article of that treaty? A I don't know.
- Q Did you ever hear that any of the Choctaw ancestors of these children received any scrip from the Government of the United States or certificates which entitled them to select land in either Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which they had formerly held in Mississippi, but which the Government had taken and sold? A I don't know.
- Q Have any relatives of these children been before this Commission to be identified as Mississippi Choctaws? A Yes sir.
- Q Who is Samuel M. Pyle? A That is my wife's brother.
- Q An uncle of these children? A Yes sir.
- Q He has made application, here, has he, to be identified as a Mississippi Choctaw? A Yes sir.

His number M.C.R. 4597 is here referred to.

- Q They have other relatives who have appeared here, have they?  
A Yes sir.
- Q All claiming through the same ancestor? A Yes sir.
- Q Do you want to have the testimony given in the case of Samuel M. Pyle and all other relatives of these children considered with their application? A Yes sir.
- Q Do any of these children speak the Choctaw language? A No sir.
- Q Is there anything further you want to say in support of this claim? A I don't know that there is.
- Q Have you any evidence you want to introduce now in support of this application? (Attorney, J.C. Palls, says they will call his wife's brother; asks also for reasonable time in which to introduce evidence granted.)
- Q What is the physical appearance of your son, James E. Battenfield?  
A He is a little dark.
- Q What are the color of his eyes? A Dark.
- Q Are they dark blue or brown? A Dark brown.
- Q Hair black? A Light.
- Q How about the physical appearance of your daughter Mattie? A She is a little darker than Jim.
- Q How about the eyes? A Black eyes and hair.
- Q Complexion? A Dark.
- Q How does Ethel appear? A She is still darker.
- Q That's all.

Henry G. Hains being sworn on his oath states that as stenographer

to the Commission on the Five Civilized Tribes he reported in full  
the above proceedings on March 24, 1902, and that this is a  
full, true and correct transcript of the stenographic notes in said  
cause on said day.

Henry G. Davis

Subscribed and sworn to before me this 24th day of April, 1902.

*Clarence H. Hill*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 31, 1902.

Testimony of Nathaniel A. Pyle in M.C.R. 5049 and 5050

J.O.Halls, att'y for applicants.

Nathaniel A. Pyle being called and sworn as a witness testified as follows in behalf of applicants:

Examination by the Commission:

- Q What is the full name? A Nathaniel Pyle.  
Q What is your age? A I was fifty years old the 2nd of this month.  
Q What is your post office address? A Elmore, I.T.  
Q What is your occupation? A Farming at present.  
Q Are you an applicant for identification as a Mississippi Choctaw?  
A Yes sir.  
Q When did you make your application, Mr. Pyle? A If I am not mistaken it was about the 30th day of January.  
Q Where at Muskogee? A Yes sir.  
Q Do you now come before the Commission to testify in reference to the Choctaw blood of these children of William Battenfield and the wife and children of Wade N. Nowlin? A Yes sir.  
Q What do you know about William Battenfield's children having Choctaw blood? A They are children of my sister, Mollie Battenfield.  
Q She is now deceased? A Yes sir.  
Q How long has she been dead? A I don't know exactly. About 4 or 5 or 6 years.  
Q You claim that she had Choctaw blood through the same source through you claim yours? A Yes sir.  
Q How much Choctaw blood did she have? A I can't tell without studying a while.  
Q How much do you claim for yourself? A Just the same.  
Q You can't tell? A No sir, without counting-- from the knowledge I have, my great grandmother-- or grandfather was a half Choctaw.  
Q Who was she? A Her maiden name was Sexton; married DeGraffenried.  
Q What is the full name? A Lucy DeGraffenried.  
Q Did she have a daughter named Lucy? A Yes sir.  
Q When did this daughter Lucy marry? A Joseph Anglin.  
Q Did Lucy Anglin or DeGraffenried live in the old Choctaw nation in Mississippi or Alabama in 1830? A From my understanding and the knowledge I have received from other parties they have lived in Mississippi.  
Q Well, did she live in Mississippi in 1830 and was the head of a family there then? A That's my understanding.  
Q That's what you have been taught in the family? A Yes sir.

Q How old would she be if living now? A I can't tell you; near 100 years old.

Q Where did she die? A I think in Polk County, Missouri.

Q Do you know when? A No sir, I can't tell; she was married when I was quite small or maybe before I was born.

Q What relation is Jenetti I. Nowlin to you? A Sister.

Q And claims through the same ancestor through whom you claim and also the claim as made for Mollie Battenfield? A Yes sir.

Q And she would have the same amount of Choctaw blood that you claim? A Yes sir.

Q How many children has she? A I believe she has eight; a couple that's twenty one past and six minor children.

Q Where are they living now? A Milton, Indian Territory.

Q The same hold true in regard to their Choctaw ancestors as is claimed for the children of William Battenfield? A Yes sir.

Q The father of these children, William H. Nowlin, is a white man, is he? A Yes sir.

Q Do you know for a fact that your sister, Jenetti I. Nowlin, is now bed-ridden and permanently disabled? A I can't state from my personal knowledge; I believe it to be true; I have received letters from her.

Q How long has she been sick? A Sometime last Fall.

Q Do you know whether any of the ancestors of these minor children of William Battenfield or the wife or children of William H. Nowlin ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A Its my understanding they did.

Q What did you ever hear about it? A Well, my understanding is that there will be testimony produced here that they said they went before the Commission and filed their applications to become citizens of the United States there in the old Choctaw nation.

Q What Commission do you mean, that of 1837 or 18--

A No sir; before Col. Ward.

Q You think then that the ancestors of these children and of your sister, Jenetti I. Nowlin, went before Col. Ward within six months after the ratification of the treaty of 1830? A That's what I understand.

Q That's what you will endeavor to prove? A Yes sir.

Q But you have no evidence of that now? A No sir.

Q Have you any evidence or knowledge as to whether the Choctaw ancestors any of them of the minor children of William Battenfield or the minor children of W.H. Nowlin or of his wife went before the Commission of 1837 or 1842 and claimed benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No sir. I don't know of my knowledge.

Q What is the name of the ancestor of the minor children of William Battenfield and of the wife and children of W.H. Nowlin who lived in Mississippi in 1830 and was the head of a family there then?

A Well, its James W. Thaxton.

Q Well, now everybody else who has made application today claiming through the same common ancestor claimed that Lucy Anglin, maiden name DeGraffenried, lived in the old Choctaw nation in 1830 and had a family there then. A Well, I think they claimed that; well, I stated that James W. Thaxton was the father of Lucy Thaxton who married this DeGraffenried and this is the one who was said to live in this nation.

Q And this Lucy had a daughter named Lucy who married Anglin? A Yes and then this Lucy Anglin had John Anglin and Catherine Anglin who

married S.G.Pyle and from their marriage our birth came.

Q Well, now, then, I want you to locate the nearest ancestor of these minor children of William Battenfield and of the wife and children of Wade H. Nowlin, the nearest, not the remotest, who lived in Mississippi in 1830 and had a family there then? A Well, I would go back to Lucy DeGraffenried; she lived in Mississippi.

Q In 1830? A Yes sir.

Q And was the head of a family there then? A Yes sir; that's the way I understand it.

Q What proof have you of that fact? A I have a couple of other witnesses who lived and knew them at that time.

Q Wh at witnesses? A Russel Franklin.

Q Where does he live now? A Near Elmore, or Robinson in Indian Territory; and the other is Gatherine Franklin lives near Wynnewood

Q How old is she? A From what she told me- she told me she didn't know her age- somewhere about 93 years old.

Q And Franklin is how old? A I think he claims to be about 85.

Q Are they Indians? A No sir, freedmen.

Q Choctaw Freedmen? A Yes sir.

Q Do you propose to introduce them before the commission in this case? A Yes sir, one now; and the other is not able.

Q At this time? A Yes sir.

Q His evidence will go to all who claim through the same ancestor Lucy DeGraffenried? A Yes sir.

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

Witness excused.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above testimony and that this is a full true and correct transcript of his stenographic notes in same on March 31, 1902.

*Henry G. Hains*

Subscribed and sworn to before me this 24th day of April, 1902.

*Charanutehd Wood*

Notary Public.

Muskogee, Indian Territory, October 13, 1902.

James E. Battenfield,  
Gainesville, Texas.

Dear Sir:

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

Vinson Anglen,	M.C.R. 5044
John R. Anglen, et al.,	M.C.R. 5046
James L. Anglen,	M.C.R. 5047
William D. Anglen,	M.C.R. 5048
Minnie B. Rook, et al.,	M.C.R. 5045
Samuel M. Pyle, et al.,	M.C.R. 4597
Thomas Pyle, et al.,	M.C.R. 4612
Samuel G. Pyle, et al.,	M.C.R. 4613
Cornelia Battenfield, et al.,	M.C.R. 4602
Joseph Clinton Pyle, et al.,	M.C.R. 4614
Arizona Buce, et al.,	M.C.R. 4604
George F. Pyle,	M.C.R. 4881
Charlotte I. Girod, et al.,	M.C.R. 4735
Nettie Alexander, et al.,	M.C.R. 4603
Cincinnati Pyle,	M.C.R. 4606
John Ella Tamolen, et al.,	M.C.R. 4736
Nathaniel A. Pyle, et al.,	M.C.R. 4598
Alice Raller, et al.,	M.C.R. 4601
Lizzie Wilcher, et al.,	M.C.R. 4599
Jenetti Isabel Nowlin, et al.,	M.C.R. 5050
Ardena A. Adams, et al.,	M.C.R. 5051

James E. Battenfield-2

Gove N. Pyle, et al., M.C.R. 4607  
Nannie E. Baker, et al., M.C.R. 4600  
James E. Battenfield, et al., M.C.R. 5049

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 Vinson Anglen, John R. Anglen, Mary V. Anglen, Ocie R. Anglen, Thomas Jefferson Anglen, James L. Anglen, William D. Anglen, Minnie B. Rook, Minnie Jewel Rook, Samuel M. Pyle, Gamaliel M. Pyle, Charles Edwin Pyle, Onie V. Pyle, Thomas Pyle, Annie E. Pyle, Victor E. Pyle, Emma I. Pyle, Mary C. Pyle, John W. Pyle, Carl C. Pyle, Hester P. Pyle, Samuel G. Pyle, Mary Pyle, Elbert Pyle, Escor Pyle, Delora Pyle, Claud Pyle, Moatt Pyle, Cornelia Battenfield, George Monton Battenfield, Habel Battenfield, Albert Battenfield, Joseph Clinton Pyle, Jewel E. Pyle, Earl C. Pyle, Arizona Buce, Mary Buce, Willie H. Buce, George F. Pyle, Charlotte I. Girod, Gracie Girod, Nettie Alexander, Effie W. Alexander, Willie Virgol Alexander, Eva O. Alexander, Cincinnati Pyle, John Ella Tamplen, Annie M. Tamplen, James Z. Tamplen, Nathaniel A. Pyle, Woodard D. Pyle, James B. Pyle, Rosie B. Pyle, Elmer A. Pyle, Fula H. Pyle, Nataan G. Pyle, Alice Roller, Annie Bell Roller, Lizzie Wilcher, Josie Wilcher, Jenetti Isabel Nowlin, Armilda L. Nowlin, David P. Nowlin, Virgie W. Nowlin, Victor Nowlin, Catherine Louisa Nowlin, George H. Nowlin, Ardena A. Adams, Rector N. Adams, Muffie J. Adams, Gove N. Pyle, Ella J. Pyle, Emily E. Pyle, Catherine D. Pyle, Lucy V. Pyle, Eula E. Pyle, Obed Pyle, Nannie E. Baker, Albert Lee Baker, Walter Baker, Ada Baker, Gertrude Baker, Bessie Baker, Vesta Baker, James E. Battenfield, Metaie E. Battenfield and Habel Battenfield as Choctaw Indians



James E. Battenfield

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

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

Respectfully,

(SIGNED)

*I. D. Wood*

Commissioner in Charge.

M.C.R. 3049

COPY

Muskogee, Indian Territory, February 28, 1903.

James H. Battenfield,  
Care, William Battenfield,  
Gainesville, Texas.

Dear Sir:

You are hereby notified that on the 17th 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 Vinson Anglen, et al., of which decision you were advised by registered mail on the 13th day of October, 1902.

Respectfully,

*James Bixby.*  
Chairman.

For Identification as a Mississippi Choctaw.

Date

MAR 11 1905

Name <sup>(white)</sup> William Battenfield,  
for his 3 minor children,  
Age 40 - ~~Blood~~

Post Office, Gainesville, Texas,

Father: ~~G. W. Battenfield, d.~~

Mother: ~~Matilda~~  
wife of William Battenfield.

~~Claims through~~

Mollie Battenfield (d.)  
Choct. Ind - Blood - dark brown  
father, S. S. P. Le. } d  
mother, Catherine G. " } d  
she claimed thro' mother. -

Children:

- James E. Battenfield 15.
- Mattie E. " 13
- Ethel " 9

Claims for his  
3 children -

Stenographer H. G. Wains.

DEPARTMENT OF THE INTERIOR,  
BUREAU OF INDIAN AFFAIRS, WASHINGTON, D. C.  
CIVILIZED TRIBES

**FILED**

NOV 24 1902

*[Handwritten Signature]*  
ACTING CHAIRMAN.



F14

2719  
Returned to writer

Department of the Interior.

Commission to the Five Civilized Tribes,

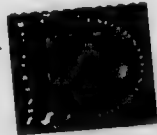
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

James E. Pattenfield  
Gainesville

Returned to writer  
Texas



Choctaw MCR 5050

Jenetti I. Nowlin

See MCR 5044

MCR 5050

Department of the Interior.  
Commission to the five civilized tribes.  
Muskogee, Indian Ter'y, March 31, 1902.

5050

In the matter of the application of Wade H. Nowlin for the identification of his wife, Jenetti I. Nowlin, and his six minor children, Armilda L., David P., Virgie N., Victor, Catherine Louisa, and George H. Nowlin, as Mississippi Choctaws.

J.G.Halls att'y for applicant

Wade H. Nowlin being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Wade H. Nowlin.  
Q You make application for whom? A My wife and children.  
Q What is your age? A Forty four.  
Q You are a white man? A Yes sir.  
Q And the husband of Jenetti I. Nowlin? A Yes; her name was Pyle.  
Q Are you here before the Commission at this present time in order that you may make application for the identification of your wife and of your minor children? A Yes sir.  
Q How old is your wife? A Forty three years old.  
Q Is she not able to make application for herself? A No sir.  
Q Is she sick? A Yes sir.  
Q She is permanently disabled, is she? A Yes sir.  
Q Do you introduce this Doctor's certificate in proof of the fact that she is bed-ridden and disabled from appearing before the Commission? A Yes sir.

The certificate of B.M.Ballenger M.D., is presented by this applicant in proof of the permanent disability of his wife, Jenetti I. Nowlin, received, filed, marked exhibit "A" and made a part of the record in this case.

- Q You also present this power of attorney, do you, which authorizes you to act in her behalf? A Yes sir.  
Q Signed by her? A Yes sir.

Power of attorney presented by this applicant signed by his wife, Jenetti I. Nowlin, received, filed marked Exhibit "B" and made a part of the record in this case.

- Q What is your post office address? A Milton, Indian Territory.  
Q Is your wife living with you there? A Yes sir.  
Q And these children? A Yes sir.  
Q What was your wife's father's name? A Pyle.  
Q Full name? A Samuel G. Pyle.  
Q Is he living? A No sir.  
Q What is your wife's mother's name? A Catherine G. Pyle.  
Q Is she living? A No sir.  
Q Through which parent does your wife claim her Choctaw blood?  
A Through her mother.  
Q How much Choctaw blood do you claim for your wife? A I can't tell you.  
Q What is your wife's full name? A Jenetti Isabel Nowlin.  
Q How old is she? A Forty three years old.  
Q What is your wife's father's name? A S.G.Pyle.  
Q Through which parent does your ~~wife~~ claim her Choctaw blood?  
A Through her mother.  
Q But you don't know how much Choctaw blood her mother had? A No sir.  
Q Has your wife's mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir; I don't know.  
Q You have no Choctaw blood yourself? A No sir.  
Q What are the names of your children for whom you want to make application now? A Armilda (spelled out) L. Nowlin; she is 20.  
Q Next? A David P.  
Q How old is David P.? A Eighteen.  
Q The next? A Virgie H. Nowlin, fourteen.  
Q V-i-r-g-i-e? A Yes sir.  
Q Next? A Victor? A  
Q How old is Victor? A Ten year old.  
Q Next? A Catherine Louida.  
Q How old? A Seven.  
Q Next? A George H.  
Q How old? A Four.  
Q Is that all? A Yes sir.  
Q Is your wife Jenetti the mother of these children? A Yes sir.  
Q Are they all living with you at your home? A Yes sir.  
Q You and your wife are living together? A Yes sir.  
Q Were either of you married before you married each other? A No sir.  
Q When and where were you married to your wife? A Marion County, Arkansas.  
Q Remember the date of that marriage? A Yes, September 16, 1876.  
Q Married by a minister and under a license? A Yes sir.  
Q Have you proof of that marriage with you now? A No sir, I haven't got them with me.



Q Think you can introduce that later? A Yes sir.

Reasonable time will be allowed this applicant for that purpose.

Q Is the name of your wife or any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not as I know of.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?

A No sir.

Q Have you ever made application or your wife or children or has anyone made application for them to either the Choctaw tribal authorities or the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

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

Q Do you now come before the Commission for the purpose of identifying yourself wife and minor 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 No sir.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing rabbit Creek in the State of Mississippi on the 27th day of September, 1830; and was made for the purpose of inducing all the Choctaw Indians who lived in that old Choctaw Nation to move from that old Nation and go to the Choctaw Nation, Indian Territory: this treaty was made between the United States and the Choctaw tribe. 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 protect their interests article fourteen was drafted and put into the treaty of 1830. The treaty was then signed and afterwards ratified. That treaty 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 if any of the Choctaw ancestors of your wife or children complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No sir, I don't know.
- Q What is the name of the ancestor of your wife through whom she claims her right to be identified as a Mississippi Choctaw? A Pyle.
- Q She claims through Lucy DeGraffenried, does she? A Yes sir.
- Q That's the ancestor, isn't it? A Yes sir.
- Q Whom did she marry- Lucy? A I am not able to tell you.
- Q Did you ever hear of Joseph Anglin? A I don't know as I have.
- Q Don't know whether she married Joseph Anglin or not? A No sir.
- Q Is Lucy DeGraffenried her maiden name? A I don't know.
- Q Who is the Choctaw ancestor of your wife who lived in the old Choctaw nation in Mississippi or Alabama in 1830? A I can't tell you.
- Q Do you know whether any of the ancestors of your wife had Choctaw blood and lived in the old Choctaw Nation there in Mississippi or Alabama? A I don't know.
- Q How do you know she had any Mississippi Choctaw blood? A I don't know.
- Q Well, how do you- now you are making application for her as a Mississippi Choctaw? A I don't know she had any Choctaw blood.
- Q She had to have Choctaw blood and she had to have an ancestor who lived in the old Choctaw Nation in Mississippi or Alabama in order to be entitled to be identified as a Mississippi Choctaw. A Well, its DeGraffenried they claimed I believe.
- Q Well, you rely upon proof of your wife's Choctaw blood- more on the testimony of your relatives more than upon your own knowledge, don't you? A Yes sir.
- Q You yourself know nothing about it? A No sir.
- Q How did you ever hear or know that Lucy DeGraffenried was the ancestor of your wife? A Well, I have heard my wife's mother talk about it is all I know.
- Q Did you ever hear that she lived in Mississippi or Alabama? A No sir, I don't know that I ever did.
- Q Do you know how old Lucy DeGraffenried would be if living now? A No sir.
- Q Where was your wife born? A In Missouri to the best of my knowledge; in Polk County.
- Q Her mother's name was Catherine G. Pyle? A Yes sir.
- Q How old would she be if living now, do you know? A No sir.
- Q She claimed through her mother? A Yes sir.
- Q Do you know what Catherine G. Pyle's maiden name was? A Anglin; Catherine G. Anglin.
- Q Did Catherine Anglin ever live in Mississippi or Alabama? A I don't know.
- Q And you cannot tell any ancestors of your wife ever did? A No sir.
- Q Did any of the Choctaw ancestors of your wife and children ever own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of the Choctaw ancestors of your wife and children go from the old Choctaw nation to the Choctaw nation Indian Territory with the other Indians between 1833 to 1838 or 1840? A I don't know.
- Q Did any of the Choctaw ancestors of your wife and children go within six months after the ratification of the treaty of 1830 to the United States Indian agent, Gelward 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 any of the Choctaw ancestors of your wife and children own or claim any land in Mississippi or Alabama in the old Choctaw Nation either under article fourteen of the treaty of 1830 or under any other article of that treaty or under the supplement to that treaty? A I don't know.

Q Did any of the Choctaw ancestors of your wife and children 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; not as I know of.

The Indians who remained in the old Choctaw nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. a good many Indians did this whose names Col. Ward failed to put upon his list known as Ward's register, and his failure to do so caused a good many Indians who held land in Mississippi upon which they had improvements to lose both lands and improvements for they were taken away by the Government and sold at its Public Land Sales. This caused a great many complaints among the Choctaw Indians so that in 1837 by act of Congress approved March 3, that year, Congress appointed a Commission and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. In 1842 another Commission was appointed for the same purpose under act approved August 23, that year, and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

Q Do you know whether any of the Choctaw ancestors of your wife and children went before either the Commission of 1837 or 1842 and claimed benefits as Choctaw Indians? A No sir.

The act of Congress approved August 23, 1842, provided that if any Choctaw proved his claim under article fourteen of the treaty of 1830 and if it was further shown that he had had land in Mississippi in the old Choctaw nation which the Government had taken from him and sold that he should be entitled to select land in either Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your wife's Choctaw ancestors receive any such scrip from the Government of the United States as Choctaw Indians? A No sir.

Q Have any relatives of your wife and children appeared before the Commission here to be identified as Choctaw Mississippi Choctaws, claiming through the same common ancestor? A Yes sir.

Q Who is Samuel M. Pyle? A My wife's brother.

Q He has been before the Commission, has he? A Yes sir.  
His number 4597 is here referred to.

Q Want to have the testimony given in his case and in all the other applications of relatives of your wife and children who claim through the same common ancestor with this case- A Yes sir.  
Q Have you any other evidence you want to introduce now? A No sir.

(Att'y for applicant asks for time.)

Reasonable time will be allowed this applicant in which to introduce further proof if he desires in behalf of this application he makes for his wife and children.

Q What is the physical appearance of your eldest daughter, Armilda?  
Is she dark or light? A Light complected.  
Q Blue eyes? A Yes sir.  
Q And how is David P.? A Light complected.  
Q Blue eyes? A Yes sir.  
Q Virgie? A Has brown eyes.  
Q How about her hair? A A little dark.  
Q Victor? A Has a dark blue eye and tolerably light hair.  
Q Catherine? A Is light; has light blue eyes and George H. has the same, blue eyes and light hair.  
Q They don't understand or speak Choctaw language? A No sir.  
Q And your wife does not? A No sir.  
Q What is her physical appearance? A Dark.  
Q Blue eyes? A Yes sir.  
Q Brown hair? A Yes sir.  
(To att'y): Any questions Judge? A No sir.

-----  
Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported all the above proceedings had on March 31, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 24th day of April, 1902.

*Committed*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 31, 1902.

Testimony of Nathaniel A. Pyle in M.C.R. 5049 and 5050

J.G.Halls, att'y for applicants.

Nathaniel A. Pyle being called and sworn as a witness testified as follows in behalf of applicants:

Examination by the Commission:

- Q What is the full name? A Nathaniel Pyle.
- Q What is your age? A I was fifty years old the 2nd of this month.
- Q What is your post office address? A Elmore, I.T.
- Q What is your occupation? A Farming at present.
- Q Are you an applicant for identification as a Mississippi Choctaw?
- A Yes sir.
- Q When did you make your application, Mr. Pyle? A If I am not mistaken it was about the 30th day of January,
- Q here at Muskogee? A Yes sir.
- Q Do you now come before the Commission to testify in reference to the Choctaw blood of these children of William Battenfield and the wife and children of Wade H. Nowlin? A Yes sir.
- Q What do you know about William Battenfield's children having Choctaw blood? A They are children of my sister, Mollie Battenfield.
- Q She is now deceased? A Yes sir.
- Q How long has she been dead? A I don't know exactly. About 4 or 5 or 6 years.
- Q You claim that she had Choctaw blood through the same source through you claim yours? A Yes sir.
- Q How much Choctaw blood did she have? A I can't tell without studying a while.
- Q How much do you claim for yourself? A Just the same.
- Q You can't tell? A No sir, without counting-- from the knowledge I have, my great grandmother-- or grandfather was a half Choctaw.
- Q Who was she? A Her maiden name was Sexton; married DeGraffenried
- Q What is the full name? A Lucy DeGraffenried.
- Q Did she have a daughter named Lucy? A Yes sir.
- Q Whom did this daughter Lucy marry? A Joseph Anglin.
- Q Did Lucy Anglin or DeGraffenried live in the old Choctaw nation in Mississippi or Alabama in 1830? A From my understanding and the knowledge I have received from other parties they have lived in Mississippi.
- Q Well, did she live in Mississippi in 1830 and was the head of a family there then? A That's my understanding.
- Q That's what you have been taught in the family? A Yes sir.

- Q How old would she be if living now? A I can't tell you; near 100 years old.
- Q Where did she die? A I think in Polk County, Missouri.
- Q Do you know when? A No sir, I can't tell; she was married when I was quite small or maybe before I was born.
- Q What relation is Jenetti I. Nowlin to you? A Sister.
- Q And claims through the same ancestor through whom you claim and also the claim as made for Mollie Battenfield? A Yes sir.
- Q And she would have the same amount of Choctaw blood that you claim? A Yes sir.
- Q How many children has she? A I believe she has eight; a couple that's twenty one past and six minor children.
- Q Where are they living now? A Milton, Indian Territory.
- Q The same hold true in regard to their Choctaw ancestors as is claimed for the children of William Battenfield? A Yes sir.
- Q The father of these children, William H. Nowlin, is a white man, is he? A Yes sir.
- Q Do you know for a fact that your sister, Jenetti I. Nowlin, is now bed-ridden and permanently disabled? A I can't state from my personal knowledge; I believe it to be true; I have received letters from her.
- Q How long has she been sick? A Sometime last Fall.
- Q Do you know whether any of the ancestors of these minor children of William Battenfield or the wife or children of William H. Nowlin ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A Its my understanding they did.
- Q What did you ever hear about it? A Well, my understanding is that there will be testimony produced here that they said they went before the Commission and filed their applications to become citizens of the United States there in the old Choctaw nation.
- Q What Commission do you mean, that of 1837 or 18--
- A No sir; before Col. Ward.
- Q You think then that the ancestors of these children and of your sister, Jenetti I. Nowlin, went before Col. Ward within six months after the ratification of the treaty of 1830? A That's what I understand.
- Q That's what you will endeavor to prove? A Yes sir.
- Q But you have no evidence of that now? A No sir.
- Q Have you any evidence or knowledge as to whether the Choctaw ancestors any of them of the minor children of William Battenfield or the minor children of W.H. Nowlin or of his wife went before the Commission of 1837 or 1842 and claimed benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No sir. I don't know of my knowledge.
- Q What is the name of the ancestor of the minor children of William Battenfield and of the wife and children of W.H. Nowlin who lived in Mississippi in 1830 and was the head of a family there then?
- A Well, its James W. Thaxton.
- Q Well, now everybody else who has made application today claiming through the same common ancestor claimed that Lucy Anglin, maiden name DeGraffenried, lived in the old Choctaw nation in 1830 and had a family there then. A Well, I think they claimed that; well, I stated that James W. Thaxton was the father of Lucy Thaxton who married this DeGraffenried and this is the one who was said to live in this nation.
- Q And this Lucy had a daughter named Lucy who married Anglin? A Yes and then this Lucy Anglin had John Anglin and Catherine Anglin who

married S.G.Pyle and from their marriage our birth came.

Q Well, now, then, I want you to locate the nearest ancestor of these minor children of William Battenfield and of the wife and children of Wade H. Nowlin, the nearest, not the remotest, who lived in Mississippi in 1830 and had a family there then? A Well, I would go back to Lucy DeGraffenried; she lived in Mississippi.

Q In 1830? A Yes sir.

Q And was the head of a family there then? A Yes sir; that's the way I understand it.

Q What proof have you of that fact? A I have a couple of other witnesses who lived and knew them at that time.

Q What witnesses? A Russel Franklin.

Q Where does he live now? A Near Elmore, or Robinson in Indian Territory; and the other is Catherine Franklin lives near Wynnewood

Q How old is she? A From what she told me- she told me she didn't know her age- somewhere about 93 years old.

Q And Franklin is how old? A I think he claims to be about 85.

Q Are they Indians? A No sir, freedmen.

Q Choctaw Freedmen? A Yes sir.

Q Do you propose to introduce them before the Commission in this case? A Yes sir, one now; and the other is not able.

Q At this time? A Yes sir.

Q His evidence will go to all who claim through the same ancestor Lucy DeGraffenried? A Yes sir.

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

Witness excused.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above testimony and that this is a full true and correct transcript of his stenographic notes in same on March 31, 1902.

*Henry G. Hains*

Subscribed and sworn to before me this 24th day of April, 1902.

*Wm. W. Willard*  
Notary Public.

Muskogee, Indian Territory, October 13, 1902.

Jenetti I. Nowlin,  
Milton, Indian Territory.

Dear Madam:

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

Vinson Anglen,	M.C.R. 5044
John B. Anglen, et al.,	M.C.R. 5046
James L. Anglen,	M.C.R. 5047
William D. Anglen,	M.C.R. 5048
Minnie B. Rook, et al.,	M.C.R. 5048
Samuel M. Pyle, et al.,	M.C.R. 4597
Thomas Pyle, et al.,	M.C.R. 4612
Samuel G. Pyle, et al.,	M.C.R. 4613
Cornelia Battenfield, et al.,	M.C.R. 4602
Joseph Clinton Pyle, et al.,	M.C.R. 4614
Arizona Duce, et al.,	M.C.R. 4604
George F. Pyle,	M.C.R. 4281
Charlotte I. Girod, et al.,	M.C.R. 4673
Hettie Alexander, et al.,	M.C.R. 4603
Cincinnati Pyle,	M.C.R. 4606
John Ella Templen, et al.,	M.C.R. 4736
Nathaniel A. Pyle, et al.,	M.C.R. 4898
Alice Roller, et al.,	M.C.R. 4601
Lizzie Wilcher, et al.,	M.C.R. 4599
Jenetti Isabel Nowlin, et al.,	M.C.R. 5050
Ardena A. Adams, et al.,	M.C.R. 5051



Jenetti I. Nowlin-8

Gove N. Pyle, et al., M.C.R.  
Nannie E. Baker, et al., M.C.R.  
James E. Battenfield, et al., M.C.R. 5049

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 Vinson Anglen, John R. Anglen, Mary V. Anglen, Ocie R. Anglen, Thomas Jefferson Anglen, James L. Anglen, William D. Anglen, Minnie B. Rook, Minnie Jewel Rook, Samuel M. Pyle, Gamaliel M. Pyle, Charles Edwin Pyle, Onie V. Pyle, Thomas Pyle, Annie B. Pyle, Victor E. Pyle, Emma I. Pyle, Mary C. Pyle, John M. Pyle, Carl C. Pyle, Hester P. Pyle, Samuel G. Pyle, Mary Pyle, Elbert Pyle, Esacor Pyle, Delora Pyle, Claud Pyle, Montt Pyle, Cornelia Battenfield, George Moulton Battenfield, Mabel Battenfield, Albert Battenfield, Joseph Clinton Pyle, Jewel F. Pyle, Earl C. Pyle, Arizona Buce, Mary Buce, Willie M. Buce, George F. Pyle, Charlotte I. Girod, Gracie Girod, Nettie Alexander, Effie M. Alexander, Willie Virgil Alexander, Eva O. Alexander, Cincinnati Pyle, John Ella Tamplen, Annie M. Tamplen, James Z. Tamplen, Nathaniel A. Pyle, Woodard D. Pyle, James B. Pyle, Rosie B. Pyle, Elmer A. Pyle, Eula M. Pyle, Nathan G. Pyle, Alice Roller, Annie Bell Roller, Lizzie Wilcher, Josie Wilcher, Jenetti Isabel Nowlin, Armilda L. Nowlin, David P. Nowlin, Virgio N. Nowlin, Victor Nowlin, Catherine Louida Nowlin, George H. Nowlin, Ardena A. Adams, Rector N. Adams, Murfie J. Adams, Gove N. Pyle, Ella J. Pyle, Emily E. Pyle, Catherine D. Pyle, Lucy V. Pyle, Eula E. Pyle, Obed Pyle, Nannie E. Baker, Albert Lee Baker, Walter Baker, Ada Baker, Gertrude Baker, Bessie Baker, Vesta Baker, James E. Battenfield, Mattie E. Battenfield and Ethel Battenfield as Choctaw Indians

Janetti I. Nowlin-3

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

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

Respectfully,

(SIGNED).

*I. E. Needie*

Commissioner in Charge

Registered.

You are hereby notified that on the 17th 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 Vinson Anglen, et al., of which decision you were advised by registered mail on the 13th day of October, 1902.

Respectfully,

*John H. ...*  
Chairman.

For Identification as a Mississippi Choctaw.

Date Nov 1 1912

Name Wade H. Nowlin for wife and children.

Age 44 - Blood (white) ---

Post Office, Milton, I. T.

Father: ^ Samuel S. Pyle d. of wife

Mother: ^ Catherine G. d. of wife

Claims through mother Nowlin - Choctaw

~~Jennett S. Pyle, l. 43. father wife claims this her mother Catherine S. Pyle~~

Children:

Armilda L. Nowlin, 20

David P. " 18

Virgie A " 16

Victor " 10

Catherine L. " 7

George H. " 4

Claims for wife and children -

W. S. Lewis

Choctaw MCR 5051

Ardena A. Adams

See MCR 5044

MCR 5051

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 31, 1902.

5051

In the matter of the application of Ardena A. Adams for the identification of herself and her two minor children, Rector N. and Murfie J. Adams, as Mississippi Choctaws.

J.G. Falls, att'y for applicant.

Ardena A. Adams being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ardena A. Adams.  
Q What is your age? A Twenty four.  
Q What is your post office address? A Milton, Indian Territory.  
Q How long have you lived in Milton? A Four years.  
Q Where were you born? A Marion County, Arkansas.  
Q How long did you live in Arkansas? A Nineteen years.  
Q And from there did you go to the Indian Territory? A Yes sir.  
Q Is your father living? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q Through which parent do you claim Choctaw blood? A Mother.  
Q What is your father's name? A Wade H. Nowlin.  
Q He is a white man? A Yes sir.  
Q What is your mother's name? A Jenetti I. Nowlin.  
Q How much Choctaw blood do you claim through your mother?  
A I don't know.  
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir, I reckon not.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A George Adams.  
Q White man? A Yes sir.  
Q Living? A Yes sir.  
Q You make no claim for him? A No sir, I reckon not.  
Q Have you any children you want to make application for? A Two.

- Q What is the name of the first? A Hector N. Adams; four year old.  
Q Next? A Murfie J. Adams.  
Q How old? A Two.  
Q Is that all? A Yes sir.  
Q Is George Adams the father of these children? A Yes sir.  
Q Are you the mother? A Yes sir.  
Q Are you and your husband living together and is your children living with you? A Yes sir.  
Q Were either you or your husband married previous to your marriage with each other? A No 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 Indian Territory? A No sir.  
Q Do you now come before the Commission for the purpose of identifying yourself and children as Mississippi Choctaws? A Yes sir.  
Q Claiming under article fourteen of the treaty of 1830? A Yes sir.  
Q Understand article fourteen of the treaty of 1830? A No sir.  
Q Do you know what a treaty and an article in a treaty is? A No sir.

An article is one of the subdivisions or parts of a treaty; a treaty is a compact or contract in writing made between two or more nations and differs from an ordinary contract or agreement in writing because it is made between two or more nations instead of people; a treaty was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in the State of Mississippi on the 27th day of September 1830; this treaty was made for the purpose of removing all the Choctaw Indians who lived in the old Choctaw nation from that 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 the interest of these Indians who elected to remain in the old Choctaw nation article fourteen was put into the treaty after which it is was signed and later, Feb. 24, 1831, ratified. 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 the treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove, are not to be entitled to any portion of the Choctaw annuity.

- Q Do you understand that? A Yes, I reckon so.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Through my mother.
- Q Well, way back as far as you can go. A Well, I don't know any of their names at all; my grandmother was a Pyle.
- Q What relation is Jenetti I. Nowlin to you? A My mother.
- Q Well, your father, Wade H. Nowlin, has made application today for your mother and his minor children and claims through Lucy DeGraffenried who married Joseph Anglin; do you know anything about her? A No sir.
- Q But you claim through that source do you not? A Yes sir; I have heard my mother speak of her a few times.
- Q And know she was an ancestor of yours? A Yes sir.
- Q Did you ever hear that Lucy DeGraffenried married Joseph Anglin? A No sir.
- Q Did you ever hear the name Joseph Anglin? A I don't know as I did.
- Q Don't remember? A No sir.
- Q Don't know whether he was a white man or Indian? A No sir.
- Q Did you ever hear that Lucy DeGraffenried had any Indian- A My mother said so; they told her.
- Q Do you know how much she had? A No sir.
- Q Did she live in Mississippi in 1830? A I don't know.
- Q Ever hear of any of your ancestors who lived in Mississippi in 1830 and was head of a family there then? A No sir.
- Q Can you give the name of any ancestor who lived in Mississippi or Alabama in the old Choctaw nation? A No sir.
- Q Up to the present time did you ever hear in the family that any ancestor of yours ever did live there? 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 Or any time before that? 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, Col. Ward, and tell him that they wanted to stay in Mississippi and take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw nation to the Choctaw nation, Indian Territory, with the other Indians between 1833 to 1838? A I can't tell you.
- Q Never heard? A No sir.
- Q Did any of your Choctaw ancestors own any land 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.
- Q Did any of your Choctaw ancestors own or claim any land in the old Choctaw nation under any other article of the treaty of 1830 or under the supplement to that treaty? A I don't know.



Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States and the Choctaw Indians other than the treaty of 1830? A I don't know.

The Choctaw Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the ratification of the treaty of 1830 were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward, within six months after the ratification of the treaty and tell him that they wanted to remain in Mississippi, take land there and become citizens of the United States. A Good many Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register; his failure to do so caused a good many Indians who held land in the old Choctaw Nation upon which they had improvements to have both taken from them by the Government and sold at its Public Land Sale; this caused so many complaints among the Choctaw Indians, particularly those who had their lands taken from them that Congress appointed a Commission by an act approved March 3, that year, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen.

Q Did any of your Choctaw ancestors appear before either of these Commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of that treaty of 1830, if it also further appeared that he had had land taken from him by the Government in Mississippi and sold that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land, and that a certificate should be given to him to that effect; these certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the Government which entitled them to select land under this act of Congress? A I don't know.

Q Who is Samuel M. Pyle? A My grandfather.

His number M.C.R. 4597 is referred to.

Q He has appeared before this Commission, has he not, to be identified as a Mississippi Choctaw? A Yes sir.

Q And also your mother has appeared through your father, Wade H. Nowlin? A Yes sir.

Q And also your brothers and sisters and a great many others claiming through the same common ancestor? A Yes sir.

Q Want to have their cases considered with yours? A Yes sir.  
Q Have you any evidence to introduce? A No sir.

(Att'y for applicant asks for time to introduce evidence;  
reasonable time will be allowed this applicant.)

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

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, light complexion, light hair; she does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above proceedings on March 31, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 25th day of April, 1902.

*Clarence Mitchell*

Notary Public.

COPY.

M.C.R. 5051

Muskogee, Indian Territory, October 13, 1908.

Ardena A. Adams,

Milton, Indian Territory.

Dear Madam:

You are hereby advised that on the 13th day of October, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Vinson Anglen, et al., embracing the following applications for identification as Mississippi Choctaws:

Vinson Anglen,	M.C.R. 5044
John R. Anglen, et al.,	M.C.R. 5046
James L. Anglen,	M.C.R. 5047
William D. Anglen,	M.C.R. 5048
Minnie B. Rook, et al.,	M.C.R. 5048
Samuel M. Pyle, et al.,	M.C.R. 4597
Thomas Pyle, et al.,	M.C.R. 4612
Samuel G. Pyle, et al.,	M.C.R. 4613
Cornelia Battenfield, et al.,	M.C.R. 4602
Joseph Clinton Pyle, et al.,	M.C.R. 4614
Arizona Buce, et al.,	M.C.R. 4604
George F. Pyle,	M.C.R. 4861
Charlotte I. Girod, et al.,	M.C.R. 4738
Nettie Alexander, et al.,	M.C.R. 4603
Cincinnati Pyle,	M.C.R. 4806
John Ella Tamplen, et al.,	M.C.R. 4736
Nathaniel A. Pyle, et al.,	M.C.R. 4598
Alice Roller, et al.,	M.C.R. 4601
Lizzie Wilcher, et al.,	M.C.R. 4599
Jenetti Isabel Nowlin, et al.,	M.C.R. 5050
Ardena A. Adams, et al.,	M.C.R. 5051

Ardena A. Adams-2

Gove N. Pyle, et al., M.C.R. 4607  
Nannie E. Baker, et al., M.C.R. 4600  
James E. Battenfield, et al., M.C.R. 5049

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 Vinson Anglen, John R. Anglen, Mary V. Anglen, Ocie R. Anglen, Thomas Jefferson Anglen, James L. Anglen, William D. Anglen, Minnie B. Rook, Minnie Jewel Rook, Samuel M. Pyle, Camaliel M. Pyle, Charles Edwin Pyle, Onie V. Pyle, Thomas Pyle, Annie B. Pyle, Victor E. Pyle, Emma I. Pyle, Mary C. Pyle, John M. Pyle, Carl C. Pyle, Hester P. Pyle, Samuel G. Pyle, Mary Pyle, Elbert Pyle, Escor Pyle, Delora Pyle, Claud Pyle, Moatt Pyle, Cornelia Battenfield, George Moulton Battenfield, Mabel Battenfield, Albert Battenfield, Joseph Clinton Pyle, Jewel F. Pyle, Earl C. Pyle, Arizona Buce, Mary Buce, Willie M. Buce, George F. Pyle, Charlotte I. Girod, Gracie Girod, Nettie Alexander, Effie E. Alexander, Willie Virgil Alexander, Eva O. Alexander, Cincinnati Pyle, John Ella Tamplen, Annie M. Tamplen, James Z. Tamplen, Nathaniel A. Pyle, Woodard D. Pyle, James B. Pyle, Rosie B. Pyle, Elmer A. Pyle, Eula N. Pyle, Nathan G. Pyle, Alice Roller, Annie Bell Roller, Lizzie Wilcher, Josie Wilcher, Jenetti Isabel Nowlin, Arilda L. Nowlin, David P. Nowlin, Virgie N. Nowlin, Victor Nowlin, Catherine Louida Nowlin, George H. Nowlin, Ardena A. Adams, Rector N. Adams, Murfie J. Adams, Gove N. Pyle, Ella J. Pyle, Emily E. Pyle, Catherine D. Pyle, Lucy V. Pyle, Eula E. Pyle, Obed Pyle, Nannie E. Baker, Albert Lee Baker, Walter Baker, Ada Baker, Gertrude Baker, Bessie Baker, Vesta Baker, James E. Battenfield, Mattie E. Battenfield and Ethel Battenfield as Choctaw

Ardena A. Adams-3

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

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

Respectfully,

(SIGNED).

*I. D. Wood*

Commissioner in Charge.

Registered.

M.C.R. 5051

Muskogee, Indian Territory, February 28, 1903.

Ardena A. Adams,

Milton, Indian Territory.

Dear Madam:

You are hereby notified that on the 17th 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 Vinson Anglen, et al., of which decision you were advised by registered mail on the 13th day of October, 1902.

Respectfully,

*Tame D. ...*  
Chairman.

No. 5051

For Identification as a Mississippi Choctaw

Date MAR 1 1902

Name Ardena A. Adams

Age 24 Blood Don't know

Post Office, Milton, I. T.

Father: Wade H. Nowlin, I. T.

Mother: James H. " " I. T.

Claims through Mother

Suband George Adams w. I. T.  
no claim for husband

Children:

Pector ~~W~~ N. Adams, 4

Murfie J. " 2

Claim for prop & children

Choctaw MCR 5052

Louisa Zeigler

See MCR 5568, 5530

MCR 5052



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Louisa Zeigler et al.,  
for identification as Mississippi Choctaws, consolidating the  
applications of

Louisa Zeigler et al., M.C.R. 5052  
Lula Lewis et al., M.C.R. 5568  
Queenie E. Rouse et al., M.C.R. 5580

List of papers forwarded to the Secretary of the Interior,  
comprising the report in the consolidated case of  
Louisa Zeigler et al.

(Page)

Original application of Louisa Zeigler et al. before the Dawes Commission for identification as Mississippi Choctaws.....	1
Testimony of P.T. Zeigler .....	6
Original application of Lula Lewis et al. before the Dawes Commission for identification as Mississippi Choctaws .....	9
Original application of Queenie E. Rouse et al. before the Dawes Commission for identification as Mississippi Choctaws .....	14
Decision of the Commission denying the consolidated application of Louisa Zeigler et al. for identification as Mississippi Choctaws .....	19

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. March 31, 1902.

5052

In the matter of the application of Louisa Zeigler for the identification of herself and her two minor children, Cleo and Sweet Zeigler, as Mississippi Choctaws.

A.S. McRea, att'y for applicant.

Louisa Zeigler, being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Louisa Zeigler.  
Q What is your age? A About forty nine or fifty.  
Q What is your post office address? A Cooper, Oklahoma.  
Q How long have you lived in Cooper? A About nine years.  
Q How long have you lived in Oklahoma altogether? A About ten years or nine.  
Q Where were you born? A In Alabama.  
Q Where in Alabama? A Rice County I guess.  
Q How long did you live there? A About twenty four years.  
Q Then you went to what State? A Mississippi.  
Q Where in Mississippi? A Washington County.  
Q How long did you live in Mississippi? A Five years.  
Q Where did you go then? A Arkansas.  
Q How long did you stay in Arkansas? A About nine years.  
Q And then you went to Oklahoma? A Yes sir.  
Q And lived there since? A Yes sir.  
Q Is your father living? A No sir.  
Q Is your mother living? A No sir.  
Q What was your father's name? A Jim Pickens.  
Q What was your mother's name? A Clarissa Pickens.  
Q Do you claim your Choctaw blood through which parent? A By my father and grandfather.  
Q How much Choctaw blood do you claim? A I claim about a fourth.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal

authorities or the authorities of the United States in the Indian Territory? A Not that I knows of.

Q Was your father a slave at any time? A No sir.

Q Was your mother? A No sir.

Q Neither parent was a slave? A No sir.

Q Neither were you? A No sir.

Q When and where were your father and mother married? A They were married in Mississippi I reckon cause my grandfather lived in Mississippi-- no in Alabama.

Q Was your grandfather a slave? A No sir, not on my father's side.

Q Well, were any of your mother's kin slaves? A Not that I know of.

Q Have you proof of the marriage of your father and mother with you? A No sir.

Q Can you get it later? A They were married but I don't know as I could prove it.

Reasonable time will be allowed in which to prove the marriage of your father and mother if you wish.

Q Your husband is living, is he? A Yes sir.

Q What is his race? A Colored.

Q Is he a negro, is he? A Yes sir.

Q Do you make any claim for him as a Choctaw Indian? A No sir.

Q What is his name? A P.T. Zeigler.

Q Have you any children that you want to make application for under twenty one years of age and unmarried?? A Yes sir.

Q What is the name of the oldest? A Cleo; she is sixteen.

Q And the next is what? A Sweet Zeigler is five.

Q Is that a boy or girl? A Girl.

Q Cleo is a girl? A Yes sir.

Q Is that all? A Yes sir.

Q You claim for yourself and children, do you? A Yes sir.

Q Is P.T. Zeigler the father of these two children? A Yes sir.

Q Are you and your husband living together as husband and wife?

A Yes sir.

Q And the children are living with you at your home? A Yes sir.

Q Were either of you married before? A No sir.

Q Is your name or your children's 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 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 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 I talk too fast for you to understand me? A No sir; I understand you.

Q Do you now come before the Commission to be identified and for the identification of your two 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 No sir.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th September, that year; and was made for the purpose of removing as far as practicable all 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 not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who wished to remain article fourteen was put into the treaty; that article was made for the special benefit and protection of what are now called Mississippi Choctaw Indians- those Indians who refused to move to the Indian Territory under that treaty. 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 know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A I don't know no more than what I heard my father say that his father did.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandfather was Josh Pickens.

Q Did he live in Mississippi in 1830? A Yes sir. I reckon he did; I don't know only what I heard my father say.

Q Did he say so? A I don't recollect that. I just know that he lived in Mississippi.

Q Did you ever hear that your grandfather or any of your Choctaw ancestors ever lived in Mississippi in 1830 and had a family there then; that is, was the head of a family there then? A I don't know.

Q You just simply remember hearing your father say that your grandfather Josh Pickens lived at some time in Mississippi? A Yes sir.

Q You cannot tell anything about having an ancestor who was the head of a family in 1830, can you? A No sir.

Q Have you any evidence whatever or any witnesses that you want to call before the Commission who will be able to testify that you had an ancestor-- I mean now kin in a direct line back, grandfather or grandmother or great grandparents-- in the year 1830 and who had a

family of children there then? A Yes, I guess I could.  
Q Whom could you call; do you think of anybody at the present time?  
A Not now.  
Q Think you could get that later? A Yes sir.  
Q Well, you have no papers you want to present now in support of this claim? A No sir.

Reasonable time will be allowed you, if you can do so, to prove that you had a Choctaw Indian ancestor who lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and who was at that time the head of a family and who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

Q How old would your grandfather, John Pickens be -? A My father was eighty when he died.  
Q So, he must have been about a hundred years old. A My father would be about 75 or 80 years old.  
Q Where was he born? A My father was born in Mississippi.  
Q Well, then if your father was born 75 or 80 years ago in Mississippi, in all probability his father and mother were living at that time, weren't they? A I reckon.  
Q And if they were living at that time then your grandfather, Josh Pickens would have been head of a family in 1830; you think that is so, do you? A Yes sir.  
Q That is, if your testimony as to the ages are right? A Yes sir.  
Q Well, you feel a little uncertain about that? A I am not sure right now; of course.  
Q Did Josh Pickens speak the Choctaw language? A I was small; I guess he did.  
Q You don't know do you? A No sir; I know he must have.  
Q But do you know he did? A No sir.  
Q Did he have a Choctaw Indian name? A Well, I don't know whether he did or not; that's his name.  
Q His name was Josh Pickens? A Yes sir.  
Q How much Choctaw blood did he have? A I don't know sir. I reckon he must have been full blood.  
Q How much did your father have? A Well, he had about three parts Indian; my grandmother was a white woman.  
Q Did your father get his Choctaw blood through his father, Josh Pickens? A Yes sir.  
Q And your grandfather was a full blood, Josh Pickens? A That's what I heard my father say.  
Q Well, I ask you again whether you think your grandfather, Josh Pickens, was a full blood Choctaw Indian, or not? A Yes, my father told me.  
Q Then your father would be what part of that? A Three parts I guess.  
Q Well, if he gets all his Choctaw blood from his father and his father was full blood, how much would your father have? A About a half I guess. My mother was a colored woman.  
Q Then you would claim a quarter, wouldn't you? A Yes sir.  
Q Did any of your Choctaw ancestors own any improvements on land in

Mississippi or Alabama in 1830. A I don't know only what my father said.

Q Did he ever say anything about Josh Pickens or any of his ancestors owning any land in Mississippi or Alabama in 1830? A Well, he said my grandfather did.

Q Said your grandfather what- did what? (No answer.)

Q Did you ever hear that your grandfather, Josh Pickens owned any improvements on lands in Mississippi or Alabama in 1830? What I mean by improvements is houses, outbuildings barns, fences or any other thing that goes to the improvement of land: now, did your father tell you anything about that? A No sir.

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, Col. Ward, and he had an agency in Mississippi in 1830 and 1831, and tell him that he wanted to stay in Mississippi, take land there and become a citizen of the States? A --

Q Did you hear that? A Yes, I heard my father.

Q What did he say? A About the things you spoke about.

Q What did I speak about? (No answer).

Q Did you ever hear your father say that his father, Josh Pickens, or any of his Choctaw ancestors in the year 1830 or 1831 went to the United States Indian agent Col. Ward and told 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 did.

Q You never heard a thing about that? A No sir. I didn't understand you before.

Q Did you ever hear that that thing happened? A Not that I recollect of.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A Not that I knows of.

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? Did you ever hear that Josh Pickens had owned land in Mississippi or Alabama claimed any or occupied any? A No more than what I have heard my father speak about; he spoke about his father.

Q Well, what did he say about his father, Josh Pickens? A I can't recollect now.

Q Did you ever hear your father say that his father, Josh Pickens, had any land in Mississippi at all? A No sir; I never heard him say that he did have land but I heard him speak about that he was going to make application for it.

Q Did you ever hear your father say that his father, Josh Pickens, or any of his Choctaw ancestors owned any land in the old Choctaw Nation in Mississippi or Alabama under the supplement to that treaty? A No sir; I don't recollect.

Q Did you ever hear that any of your Choctaw ancestors claimed any benefits under any treaty between the United States and the Choctaw Indians other than the treaty of 1830? A No sir, all I heard was what my father said-- well he spoke about my grandfather's going to try to get land or something.

Q Under what treaty? A Of course, I can't tell you.

Q Did you ever hear that any of your Choctaw ancestors claimed any benefits as Choctaw Indians under any treaty other than the treaty of 1830? A I don't know.

The Choctaw 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 fourteenth article of the treaty of 1830 to go to the United States Indian agent, Col. Ward, within six months from the ratification of the treaty of 1830 and signify to him their intention to remain in Mississippi, take land there and become citizens of the United States; a good many Choctaw Indians did this whose names Col. Ward neglected to put on his list known as Ward's Register and which should have contained the names for registration of all these Choctaw Indians who made application to him under and pursuant to the provisions of article fourteen of the treaty of 1830. His neglect to make a proper register of applicants at that time under that article of that treaty caused many Indians who had lands in Mississippi upon which they had improvements to lose both; both were taken from them by the Government and sold at its Public Land Sales. This caused so many complaints among the Choctaw Indians that in 1837 under an act approved March 3, that year, Congress appointed a Commission on which went to Mississippi, heard claimants under that article fourteen and made lists of their names; in 1842 under act approved August 23, 1842, another Commission was appointed by Congress for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed benefits as Choctaw Indians under that article of that treaty? A Not that I know of.

Q Did any of your Choctaw ancestors receive any scrip from the Government or certificates as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which they had occupied in Mississippi and which the Government had taken from them and sold? A No sir, I don't know.

Q Have you any relatives who have been before this Commission before you came here, seeking to be identified as Mississippi Choctaws, and claiming through the same ancestor, Josh Picken's? A Not that I know of.

Q Have you any evidence now that you want to introduce of any kind or any witnesses you want to call? A Yes, my husband.

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

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

(Attorney for applicant says they want reasonable time; reasonable will be allowed this applicant in which to furnish further proof in support of this application.)

P.T. Zeigler being called as a witness in this case and sworn testified as follows:

Q What is your name? A P.T. Zeigler.

Q What is your age? A About fifty two.

Q What is your post office address? A Cooper, Indian Okalahoma.

Q What is your occupation? A Farming.

Q Where were you born? A Alabama.

Q Were you a slave at any time? A No sir.

- Q How long have you lived in Oklahoma? A This Spring it will be ten years.
- Q Did you get here from Alabama? A No sir, Arkansas.
- Q Where did you live before you went to Arkansas? A Mississippi.
- Q Did you go from Mississippi to Alabama? A Yes sir.
- Q What do you know about your wife, Louisa Feigler's having Choctaw Indian blood? A As much as I can say would be that what I know of her father; he claimed to be a half or a quarter, I don't know exactly which; he always claimed to be Indian; in that country they called him old Indian and whole Indian, but I guess he was about half breed.
- Q Did you know him personally? A I was slightly acquainted with him. But he died before I was grown.
- Q How old were you when he died? A About sixteen or seventeen; I can't say positively.
- Q Do you remember him particularly at that time? A Yes, I remember him in my growing up.
- Q You were not particularly interested in him at that time?
- A No sir; he lived about over fifteen miles from me.
- Q You didn't see him much? A No, not much but I saw him occasionally.
- Q Do you know anything about whether he spoke the Choctaw language or not? A No sir; I don't know.
- Q And up to the time when you were a boy about fourteen? A Yes, about from 14 to 17.
- Q Well, you knew him about 35 or 40 years ago? A Yes, he died right after I got acquainted with him.
- Q How old a man was he when he died? A He must have been thirty years old. May be thirty five; I wasn't well acquainted with him.
- Q You don't know anything about his having complied with article fourteen of the treaty of 1830 or any of his ancestors? A No sir, I was not well enough acquainted with him.
- Q What was his appearance as far as looking like an Indian was?
- A He looked like an Indian; what they called an Indian over there. He was the color of these Indians here and long hair down on his shoulders.
- Q Straight hair? A Yes sir.
- Q Did he speak the Choctaw language? A Not as I know of; of course they was no Indian language used there in Alabama.
- Q Well, if he was a full blood Indian he used the Indian language, didn't he? A I don't know.
- Q The Choctaw Indians today, full bloods in Mississippi, do and if any of these Indians lived in Alabama---- A I don't know anything about the Indian language at that time; I don't know whether he spoke the Indian language or not; the most of my acquaintance with him was that they called him Indian Jim.
- Q Is there anything further you want to state now in this matter?
- A No sir.

Examination by S.A. McRea, attorney for applicant.

- Q Were you acquainted with your wife's mother in her life time?
- A I was.
- Q Do you know whether that her father and mother was married.
- A Well, that was always the understanding; they lived together as man and wife to my first remembrance.
- Q Up until the time of the death of each? A Up till the time of the death of the old man; that they were man and wife and I suppose from that that they were married.



Q Did you ever hear him speak of her grandfather, Josh Pickens?

A Well, I can't remember that he did; of course I didn't take much interest in him at the time, cause he died before I and this lady married.

Q His general appearance and characteristics appeared as that of an Indian? A Yes sir.

Q I believe that's about all.

(Witness excused and applicant recalled).

By the Commission:

This applicant has the appearance and physical characteristics of being descended from African parentage; she has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830. She claims to be part Choctaw Indian but she does not seem to have the characteristics marks of an Indian- her negro blood showing in her color and her features and her hair now.

--- ---  
Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above proceedings on March 31, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 25th day of April, 1902.

*Clara M. H. H. H.*  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

*Pratt  
C. V.*  
In the matter of the application of Louisa Reigler et al.,  
for identification as Mississippi Choctaws, consolidating the  
applications of:

Louisa Reigler et al.,	N.C.R.	5052
Lula Lewis et al.,	N.C.R.	5548
Queenie E. Rouse et al.,	N.C.R.	5550

-: 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 Louisa Reigler for herself and her two minor children, Olo and Sweet Reigler; by Lula Lewis for herself and her five minor children, Mary Myrtle, Edgar Flynn, Constance Leolian, Essie and Romal Ray Lewis; and by Queenie E. Rouse for herself and her minor child, Maceo Rouse, 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

-2-

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 Josh (or Joshua) Pickens, who is alleged to have been a full-blood Choctaw Indian.

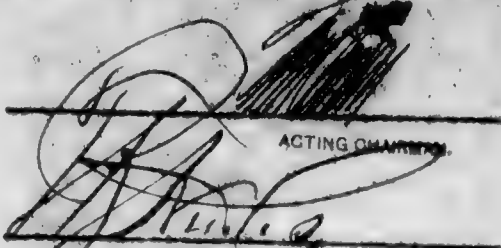
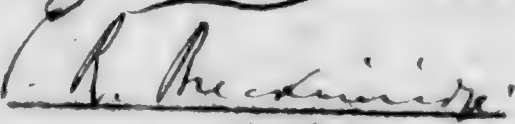
It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly 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 Josh (or Joshua) Pickens

or ancestors less remote signified, (in person or by proxy), to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 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 Louisa Zeigler, Cleo Zeigler, Sweet Zeigler, Lula Lewis, Mary Myrtle Lewis, Edgar Flynn Lewis, Constance Lealian Lewis, Essie Lewis, Donn Ray Lewis, Queenie E. Bouce and Maceo Bouce as Choctaw Indians, entitled 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.  
  
\_\_\_\_\_  
Commissioners.

Muskogee, Indian Territory,

JUL 25 1902

COPY.

M C R 5052

Muskogee, Indian Territory, July 25, 1902.

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

Gentlemen:

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

Louisa Zeigler, et al.,	M C R	5052
Lula Lewis, et al.,	"	5568
Queenie E. Rouce, et al.,	"	5550

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:

M,McK & C-2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Louisa Zeigler, Cleo Zeigler, Sweet Zeigler, Lula Lewis, Mary Myrtle Lewis, Edgar Flynn Lewis, Constance Leolian Lewis, Essie Lewis, Homa Ray Lewis, Queenie E. Rouse and Maceo Rouse as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

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

Yours truly,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

Registered

COPY.

M C R 5052

Muskogee, Indian Territory, July 25, 1902.

The Honorable,

The Secretary of the Interior.

sir:

There is transmitted herewith the record in the consolidated case of Louisa Zeigler, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 25th, 1902.

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

Louisa Zeigler, et al.,	M C R	5052
Lula Lewis, et al.,	"	5568
Queenie E. Rouse, et al.,	"	5530

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

Secretary

being attached to the record.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.



COPY.

M.C.R.8052

Muskogee, Indian Territory, July 25, 1902.

Louisa Zeigler,  
Cooper, Oklahoma.

Dear Madam:

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

Louisa Zeigler, et al.,	M C R	8052
Lula Lewis, et al.,	•	5548
Queenie M. Houce, et al.,	•	5530

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

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

Said decision concludes as follows:

Louisa Zeigler-2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Louisa Zeigler, Cleo Zeigler, Sweet Zeigler, Lula Lewis, Mary Myrtle Lewis, Edgar Flynn Lewis, Constance Laolian Lewis, Essie Lewis, Hena Ray Lewis, Cecelia E. Rouse and Maceo Rouse as Choctaw Indians, entitled 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 identifications 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.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land 45106-1902.

Washington, August 8, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 25, 1902, by the commission to the five civilized Tribes, forwarding the record in the matter of the application of Louisa Zeigler for the identification of herself and her two minor children, Cleo and Sweet; of Lula Lewis for herself and five minor children, Mary Myrtle, Edgar Wlynn, Constance Leelian, Essie and Homa Ray; and of Queenie E. Reuce for herself and minor child Macee, as Mississippi Choctaws.

Descent is claimed through James Pickens, father of Louisa Zeigler, to Jesh Pickens, her grandfather.

A search of the records of this office fails to show that Jesh Pickens secured or attempted to secure the benefits of the fourteenth article of the Treaty of Dancing Rabbit Creek. James Pickens is shown to have received three sections of land, but the testimony establishes the fact that he was born about 75 or 80 years ago. Consequently the James Pickens mentioned in the testimony must necessarily have been an infant at the date of the treaty of 1830, and could not possibly have been the father of children at that time. Therefore the

Office considers the James Pickens who is father of the principal applicant herein, is not identical with the James Pickens who received three sections of land.

It is therefore respectfully recommended that the decision of the Commission refusing to identify the applicants as Mississippi cheetaws, be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

WCV  
D

3 inclosures.

D. C. 14056.

50918

YAF.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD. 4852-1902.

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 Louisa Zeigler and her two minor children, Ole and Sweet Zeigler; of Lula Lewis and her minor children, Mary Myrtle, Edgar Flynn, Constance Leelian, Essie and Hema Ray Lewis; and of Queenie E. Reuce and her minor child, Mace Reuce. The record, including your decision of July 25, 1902, denying the applications, was transmitted with your letter of that date.

The applicants attempt to trace their descent from one Jesh (or Jeshua) Pickens, alleged to have been a full blood Choctaw.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Choctaw citizen, or that said Pickens 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).

The Acting Commissioner of Indian Affairs forwarded the papers August 8, 1908, and recommended that your decision be approved. A copy of his letter is inclosed.

Having carefully reviewed the entire case, the Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

H.M.D.

1 inclosure.

M.C.R. 6052.

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 the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Louisa Zeigler, et al., of which decision you were advised by mail on the 25th day of July, 1902.

Yours truly,

(SIGNED)

*Samuel H. Hays*

Acting Chairman.

H.C.R. 5052.

Muskogee, Indian Territory, September 5, 1902.

Louisa Zeigler,  
Cooper, Oklahoma.

Dear Madam:

You are hereby advised that on the 25th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Louisa Zeigler, et al., of which decision you were advised by registered mail on the 25th day of July, 1902.

Yours truly,

*James H. Pritchard*

Acting Chairman.



REFER TO M. C. R. 5052

Louisa Zeigler et al

Consolidated Co.

Josh or Joshua Pickens?

Jim Pickens, dead  
wife  
Clarissa Pickens, dead

<sup>met</sup>  
5052  
Louisa Pickens 14, 49  
married  
P. T. Zeigler, negro

<sup>met</sup>  
5528  
Lula Zeigler, 30 1/8  
married  
Richard H Lewis, negro  
  
<sup>met</sup>  
5530  
Queenie E. Zeigler 28 1/8  
married  
James A Rouse, negro  
  
<sup>met</sup>  
5052  
Cleo Zeigler 16  
Sweet Zeigler, 5

<sup>met</sup>  
5528  
Mary Myrtle Lewis, 6  
"Edgar Flynn Lewis, 5  
"Constance Leolian Lewis, 4  
"Essie Lewis, 3  
"Homa Ray Lewis, 1

<sup>met</sup>  
5530  
Maceo Rouse, 4 wks

No. 5052

For Identification as a Mississippi Choctaw.

Date MAR 21 1902

Name Louisa Zeigler

Age 49 - Blood 1/4

Post Office, Cooper, Okla.

Father; Jim Pickens, d

Mother: Clarissa " d

Claims through father.

Husband

P. T. Zeigler, - l. negro.

No claim for husband

Children:

Cleo Zeigler, (F) 16

~~James~~ (F) 5  
SWEET

Claims for self  
& children

grapher W. H. Davis

Choctaw MCR 5053

Loyed P. Foster

See MCR 4882

MCR 5053

Department of the Interior.  
 Commission to the Five Civilized Tribes.  
 Muskogee, Indian Territory, April 1, 1902.

---0---

In the matter of the application of Loyed Price Foster for the identification of himself and his minor child, Alice Pearl Foster, as Mississippi Choctaws.

---0---

Loyed Price Foster being first duly sworn testified as follows:

---0---

Examination by the Commission:

- Q What is your name? A Loyed Price Foster.
- Q How old are you? A I'm fifty three years old my next birthday - that's the 26th day of May..
- Q How much Choctaw blood do you claim? A My grandfather was an eighth, according to our evidence; I would be, I reckon, about one sixteenth or one thirty-second; I cant tell; I cant say; he was a half breed or three quarters, the witnesses state.
- Q What is your post office address? A Wagoner.
- Q Indian Territory? A Yes sir.
- Q How long have you lived there? A I've been there off and on for three years.
- Q Where did you live before you moved to Wagoner? A I lived in the Creek Nation; on North Canadian; Fentress was my post office.
- Q where were you born? A Born in the State of Tennessee.
- Q Moved from Tennessee to the Indian Territory? A To Arkansas and from Arkansas to Texas and from Texas to the Indian Territory; been in the Indian Territory sixteen years -- the different Territories -- seven years in the Choctaw Nation.
- Q Do you now live in the Choctaw Nation? A No sir; I just came back from there; I'm up here at my son-inlaw's at Wagoner.
- Q Wagoner is your permanent residence? A I'm not permanently located; I'm going back to the Choctaw Nation, I guess, right away.
- Q Is your father living? A No sir.
- Q What was his name? A Meriwether C. Foster.
- Q How old would he be if living now? A Father would be seventy one I reckon.
- Q Is your mother living? A Mother's alive.
- Q What is her name? A Mary C. Davis -- now married the second time.
- Q How old is she? A she's seventy years old.
- Q Which one of your parents do you claim to get your Choctaw blood from? A Mother.
- Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or the United States authorities? A Not until last September a

- year ago I think is when she made her application here.
- Q Did she make an application to the Dawes Commission? A Here somewhere; I dont know; it was to the Dawes Commission I think.
- Q Has she ever been recognized by the Choctaw tribal authorities in any manner as a Choctaw Indian? A No ;only through the claims back; she's never been recognized here in the Indian Territory as a citizen; holding citizenship - no sir, she has not, until she made her application.
- Q Are you married? A Yes sir; I've been married; I aint married now.
- Q Is your wife dead? A My wife's dead.
- Q What was your wife's name? A Malinda Catherine Bristow was her maiden name.
- Q Was she possessed of any Choctaw blood? A None.
- Q She was a white woman was she? A Yes sir.
- Q Have you any children under the age of twenty one and unmarried whom you desire to make application for? A One.
- Q What is the name of that child? A Alice Pearl.
- Q How old is she? A Eleven years old.
- Q And this application is for yourself and your minor daughter is it? A Yes sir.
- Q Is your name or the name of your minor child for whom you make application to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir; she was born in the Choctaw Nation.
- Q Did you or anyone for you or for your minor child ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe?
- A No sir.
- Q Did you or anyone for you or for your minor child in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No Sir.
- Q Have you or your minor child 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 the Indian Territory? A No sir.
- Q Have you ever made application previous to this time for yourself or your minor child to either the Choctaw tribal authorities or the authorities of the United States to be admitted to or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time claiming a share in the lands of the Choctaw Nation Indian Territory for yourself and your minor child under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27, 1830? A Yes sir.

This treaty was entered into 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 and was ratified by Congress on the 24th day of February 1831; the object of the treaty was to secure the removal of all of the Choctaws from the country that they occupied in Mississippi and Alabama to a new country west of the Mississippi River . At the time the treaty was made some of those Choctaws objected to coming to this new country and for the bene fit of that class of Indians who didn't care to come out here, article fourteen was

made a part of the treaty.

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."

That fourteenth article required that in case a Choctaw desired to remain in the old Choctaw Nation in Mississippi or Alabama and wanted to take lands under the provisions of that article, he should, within six months from the 24th day of February 1831, the day the treaty was ratified, by Congress, go before the government agent in Mississippi, and tell him that he wanted to remain and take land and become a citizen of the states; after having done that he was entitled as head of a family to a reservation of one section of land to be bounded by sectional lines of survey, and he was entitled to one half section of land for each child over ten years of age and unmarried, and for each child under ten years of age he was entitled to one quarter section of land, the reservation of the children to adjoin the reservation of the parent and these reservations to include the any improvements owned by the head of the family at the time the treaty was made. This treaty also required that after a Choctaw had performed those acts of compliance and received his land from the government he was required to live on the land for the term of five years after which time the government would give him a title in fee simple.

The last clause of the article is as follows:

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

That means that a Choctaw who remained in the old Choctaw Nation Mississippi and Alabama, took his land from the government complied with the requirements of the article, didn't forfeit his right of citizenship in the Choctaw Nation Indian Territory but did forfeit any right to claim any portion of the Choctaw annuity. Annuities were moneys that were paid to the Choctaw tribe of Indians by the United States government annually, under treaty provisions.

- Q Do you think you understand that article? A Yes sir I think I do.
- Q That is the article under which you make your claim?
- A Yes sir; that's the same article I think.
- Q What is the name of your Choctaw ancestor who lived at the time this treaty was made; which one of your ancestors lived at the time this treaty was made? A My great grand father, John James; David James is my grandfather; he was born and raised there.
- Q You claim your Choctaw blood from your mother? A David James.
- Q What relation was David James to your mother? A Father.
- Q Was David James married and the head of a family in 1830?
- A I cant say.
- Q Did your mother have any brothers and sisters older than she? A She's the oldest; she's seventy.
- Q And you cant say whether David James was married and head of a family in 1830 or not? A No I cant say; you can count that and see; she's seventy years old.
- Q What's her birth day. A She's seventy years old this month; this month but the day I cant tell you.
- Q That would show your mother born about the year 1832? A I guess it would.
- Q She being the oldest of the family then you cant testify that David James was married and head of a family in 1830.
- A Yes he was head of a family according to this count.
- Q In 1830? A In 1830 I think. Mother was married in her eighteenth year; I heard her say.
- Q Who did David James get his Choctaw blood from? A John James.
- Q What relation was he to David James? A Father.
- Q John James was married and head of a family in 1830? A Yes sir.
- Q But you are not positive as to David James being married at that time? A I cant say.
- Q Was John James or David James recognized members of the Choctaw tribe of Indians in 1830 and did they live in the old Choctaw Nation in Mississippi and Alabama? A His name's on the roll.
- Q What rolls. A The roll of 1830 thereabout; in that day was when he was enrolled; somewhere along there; I cant say what time; the roll of 1830.
- Q What proof of the fact have you that he was enrolled as a member of the Choctaw tribe of Indians in 1830? A Why my lawyer here at Durant saw his name on the old record.
- Q What's the name of that record? A He said it was the treaty of 1830.
- Q Did John James or David James own any improvements in the old Choctaw Nation Mississippi and Alabama? A Said to by three witnesses.
- Q Are they present? A No they are in the Choctaw Nation.
- Q Have you any of them here who can testify to the fact that your Choctaw ancestors John or David James owned improvements in the old Choctaw Nation in Mississippi or Alabama in 1830? A My lawyer instructed me to go here and examine these applications that they made and ascertain the witnesses from them.
- Q You have no proof of any kind to present now to the Commission to establish the fact that your ancestors owned these improvements? A No; I have'nt got any proof today-no, sir.



- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation Mississippi to the new Choctaw Nation Indian Territory at the time the Choctaws moved to this Territory? A I cant tell you.
- Q How did John James or David James within six months from the time this treaty was ratified -- that is within six months from the 24th day of February 1831 go before the government agent there in the old Choctaw Nation Mississippi and Alabama and inform him in some way that they wanted to stay in the old Choctaw Nation and take land under this treaty? A I dont know.
- Q Did they ever claim or receive any lands from the United States government as Choctaw Indians? A I dont know.

In accordance with the provisions of this fourteenth article the government directed an agent there in Mississippi to register the names of all those Choctaws who wanted to remain and become citizens of the states and who wanted to take lands under the provisions of this article; the records of the government show that this agent failed to register the names of a great many who really did go before him and signified their intention to stay and take land; and on this account land which they held and desired reserved for them under the terms of this treaty was sold by the government at its public land sales; this caused a great many complaints on the part of the Choctaws and those complaints finally reached Congress and Congress appointed commissions to go into the state of Mississippi and hear claimants under article fourteen of the treaty of 1830; these commissions investigated a large number of these claims; some of which were allowed, after approval by the Secretary of War, to the person, if it was found that the lands had not been sold; if however it was found that the land had been sold and Choctaws appeared before these commissions and proved their claims under this article, they were given scrip in lieu of such land as had been sold and under this scrip they could locate on vacant public land in the state of Mississippi, Alabama, Arkansas or Louisiana.

- Q Did any of your Choctaw ancestors, either John or David James appear before either of these Commissions and attempt to establish claims to land under this article? A I dont know.
- Q Did they ever receive any scrip from the United States government for land that they had established claims for before these commission? A I dont know, sir.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits from the United States government as Choctaw Indians under this article fourteen? A Not that I know of.
- Q Do you know of the existence of any documentary evidence, any papers of any kind, deeds to land or patents to land that would tend to show that these ancestors received land under this article? A No sir.
- Q Do you know of any witnesses that you could bring before this commission that could testify that your ancestors received land from the United States government under this article? A No sir.
- Q Have you any witnesses you want to introduce today? A No sir.
- Q Have you any papers you want to file with the Commission today? A Yes I want to file this.

Applicant offers for filing his written application which is received filed marked Exhibit A and made a part of the record in this case.

A Mr Horton instructed me-----

- Q Have you any relatives members of your family claiming descent from John James or David James who have been before this Commission for identification as Mississippi Choctaws. A Yes sir.
- Q Do you desire the evidence in their cases to be considered as evidence in your case? A I do.
- Q What relation is E. P. James to you? A Uncle.
- Q And Mary C. Davis? A Mother.
- Q And David James? A Uncle.

The cases of Amanda Cantrell, M.C.R.1377, Nellie T. Elrod, M.C.R.1386, David James, M.C.R.2760, Mary C. Davis, M.C.R. 936 and E. P. James, M.C.R.4882 are here referred to.

- Q Have you any children over the age of twenty one years and who are married? A Two.
- Q What are their names? A One of them's named Cain and the other May.
- Q What is her full name? A Mary Bell is Cain's wife.
- Q What is her husband's name? A Charles R. Cain.
- Q Have they any children, A Two.
- Q What are their names? A Minnie.
- Q How old is she? A She's six years old.
- Q What's the name of the other child? A The baby one?
- Q Yes? A Two years old past.
- Q What's the name of it? A Hattie Nora Cain.
- Q What's the name of your other child that's married? A Minnie I. May.
- Q What's her husband's name? A Chris May.
- Q Have they any children? A None.
- Q Have they ever been before the Commission and made application? A No sir.
- Q Have you any further statement you desire to make now in connection with your case? A None that I know of now.
- Q You spoke of some witnesses you want to testify? A Yes those Choctaw witnesses.
- Q Do you propose to bring them before the Commission to testify in your case. A No sir, I want to see if I could find them on record here in the affidavit that was made by mother and Uncle, was what I was after.
- Q You will be permitted to examine the record in your mothers case and see the evidence offered by her.
- A That's what I want.
- Q Do you speak or understand the Choctaw language? A Mighty little.
- Q Do you speak or understand the Choctaw language? A No I dont speak or understand it.

The applicant has brown hair, grayish brown eyes, fair complexion; does not speak or understand the Choctaw language testifies that he has no knowledge of any act of compliance on part of his ancestors with the provisions of the fourteenth article of the treaty concluded between the United States government and the Choctaw tribe of Indians September 27, 1830.

---0---

Clara Mitchell Wood being first duly sworn upon her oath

Loyed Price Foster--7

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 1st day of April 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 Cook*

Subscribed and sworn to before me this 25 day of April 1902.

*William J. Martin*  
Notary Public.

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

ALLISON I. AYRESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

**N O R 5055.**

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**Washkoope, Indian Territory, May 31, 1902.**

**Loyed Price Foster,**

**Wagoner, Indian Territory.**

**Dear Sir:**

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

Enoch P. James, et al.,	M. C. R.	4882
Gid T. James, et al.,	M. C. R.	518
Lemuel Ed James,	M. C. R.	519
Enoch Polk James,	M. C. R.	862
Mary Caroline Davis,	M. C. R.	936
Mary Caroline Pettit, et al.,	M. C. R.	937
Callie Morrow, et al.,	M. C. R.	940
Tennessee Lytle, et al.,	M. C. R.	1266
Mellie Jameson, et al.,	M. C. R.	1267
Marion Shields Foster, et al.,	M. C. R.	1273
Ida F. Bassham, et al.,	M. C. R.	1354
Tima Lanham, et al.,	M. C. R.	1355
Nellie T. Elrod,	M. C. R.	1376
Amanda Cantrell, et al.,	M. C. R.	1377
James B. Jones,	M. C. R.	1378
John M. Cantrell,	M. C. R.	1379
George W. Jones,	M. C. R.	1380
James E. Jones, et al.,	M. C. R.	1381
Leona E. Boswell, et al.,	M. C. R.	1388
Laura B. Cantrell,	M. C. R.	1389
Ida T. McReynolds, et al.,	M. C. R.	1390
Dovie Elrod,	M. C. R.	1391
Ida Harshbarger,	M. C. R.	1392
John W. James, et al.,	M. C. R.	1393
Lee J. Cantrell,	M. C. R.	1394
John T. Elrod,	M. C. R.	1395
David C. James, et al.,	M. C. R.	1396
Enoch James,	M. C. R.	1397
Ninnie Jones, et al.,	M. C. R.	1398
Eugene G. Pettit,	M. C. R.	1402
David James, et al.,	M. C. R.	2670
C. James, et al.,	M. C. R.	2671
Etta James,	M. C. R.	2672

Fred James.,	M. C. R.	2673
Varina Lowe, et al.,	M. C. R.	2634
Loyed Price Foster, et al.,	M. C. R.	5053
Melvin Foster,	M. C. R.	5054
William N. Foster,	M. C. R.	5055
Minnie Iradell May,	M. C. R.	5056
Molly B. Cane,	M. C. R.	5057

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

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

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

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Enoch P. James, Vila James, Ollie Lee James, Vernon James, Gid T. James, Gail James, Lemuel Ed James, Enoch Polk James, Mary Caroline Davis, Mary Caroline Pettit, Estella Pettit, William Pettit, Callie Morrow, Leland Morrow, Lillian Morrow, Mell Morrow, Tennessee Lytle, David C. Lytle, George Lee Lytle, Everett Lytle, Harry Lytle, Timma Lytle, Beatrice Lytle, Mellie Jameson, Violet Jameson, Jasper Jameson, Marion Shields Foster, Edna Foster, Ida F. Bassham, Eugene M. Bassham, Fannie L. Bassham, Tima Lanham, Earl B. Lanham, Ray Lanham, Elbert Lanham, Nellie T. Elrod, Amanda Cantrell, Perry C. Cantrell (Jr.), Davietta Cantrell, James B. Jones, John M. Cantrell, George W. Jones, James E. Jones, Ola B. Jones, Lola L. Jones, Leona E. Boswell, Bird Boswell, Laura B. Cantrell, Ida T. McReynolds, Allen McReynolds, Laura D. McReynolds, Dovie Elrod, Ida Harshbarger, John W. James, Virgil C. James, Beulah M. James, Lee J. Cantrell, John T. Elrod, David C. James, Bonny James, Ollie M. James, Otis James, Enoch James, Ninnie Jones, John B. Jones, Edward W. Jones, Eugene G. Pettit, David James, Owaaisa James, Ophelia James, Lavinia James, Lem James, Alta James, Hawley James, C. James, Bessie May James, Etta James, Fred James, Varina Lowe, Floy Lowe, Ouida Lowe, Sager Lowe, Loyed Price Foster, Alice Pearl Foster, Melvin Foster, William N. Foster, Minnie Iradell May, and Molly B. Cane as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Enoch P. James for the identification of his wife, Amanda C. James, as an intermarried Mississippi Choctaw should therefore be refused, and it is so ordered."

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

Yours truly,

*James Dixie*

Acting Chairman.

Registered.

COPY.

M O R 3083

Muskogee, Indian Territory, November 17, 1902.

Loyed P. Foster,  
Wagoner, Indian Territory.

Dear Sir:

You are hereby notified that on the 5th 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 Enoch P. James, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

(SIGNED)

*Thomas B. Bailey*

Acting Chairman.

MCR-5053

Muskogee, Indian Territory, October 19, 1906.

Loyed P. Foster,  
Wagoner, Indian Territory.

Dear Sir:-

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 2, 1906, by J. O. Pool, for review and readjudication of the consolidated Mississippi Choctaw case of Enoch P. James et al., of which the application for the identification of yourself and child is a part.

Respectfully,

Commissioner.

MOR-5063

Muskogee, Indian Territory, March 16, 1907.

Loyed P. Foster,  
Wagoner, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, denied a motion filed with the Department by Kappler & Merillat, attorneys at law, Washington, D. C., for a rehearing in the consolidated Mississippi Choctaw case of Enoch P. James et al.

Respectfully,

Commissioner.



No. — 5053

For Identification as a Mississippi Choctaw.

Date APR 1 1902

Name Loyd P. Foster

Age 53 Blood 1/32

Post Office, Waggoner I. T.

Meriwether C. Foster

Father: ~~Walter F.~~ Dead

Mother: Mary C. Davis ✓

Claims through mother  
wife Malinda Catherine Fort Dead

Claims for surplus

Children:

Miss Pearl Foster 11

Stenographic Clara Mitchell Word

Choctaw MCR 5054

Melvin Foster

See MCR 4882

MCR 5054

Department of the Interior.  
 Commission to the Five Civilized Tribes.  
 Muskogee, Indian Territory, April 1, 1902.

---0---

In the matter of the application for identification as  
 a Mississippi Choctaw of Melvin Fester.

---0+--

Melvin Fester being first duly sworn testified as  
 follows:

Examination by the Commission:

- Q What is your name? A Melvin Fester.  
 Q How old are you? A Twenty two years old.  
 Q How much Choctaw blood do you claim? A Why, I dont know.  
 Q What is your post office address? A Wagoner, I. T.  
 Q Is your father living? A Yes sir.  
 Q What is his name? A Loyed Price Fester.  
 Q How old is your father? A Fifty three years old.  
 Q Is your mether living? A No sir.  
 Q What was her name? A Malinda C. Bristow before she married.  
 Q Malinda C. Fester was her name at the time of her edeath?  
 A Yes sir.  
 Q Through which one of your parents do you claim your Choctaw  
 blood? A Father.  
 Q How long abave you lived in Wagoner? A I've lived there  
 three years.  
 Q Where did you live before you moved there? A Creek Nation.  
 Q Where were you born? A Grayson County Texas.  
 Q Where did you move to from Texas? A Chickasaw Nation.  
 Q And you have lived in the Indian Territosy since you moved to  
 the Chickasaw Nation? A Yes sir.  
 Q Did you ever live in the Choctaw Nation? A Yes sir.  
 Q Has your father ever been recognized in any manner or enroll  
 as a member of the Choctaw tribe of Indians in the Indians  
 Territory by the Choctaw tribal authorities or the authori-  
 ties of the United States? A No sir; I have no knowledge  
 of it.  
 Q Are you married? A No sir.  
 Q Make this application for yourself alone? A Yes sir.  
 Q Is your name to be found on any of the tribal rolls of the  
 Choctaw Nation in Indian Territory. A No sir.  
 Q Did you or anyone for you ever make application to the  
 Choctaw tribal authorities, in the Indian Territory to be  
 enrolled as a member of that tribe? A No sir.  
 Q Did you or any one for you in 1896 make application to  
 the Commission to the Five Civilized Tribes to be admitted  
 to citizenship in the Choctaw Nation under the act of Con-  
 gress 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 Tribesor the United States Court  
 in Indian territory? A No sir.  
 Q Have you ever made application prior to this time to either  
 the Choctaw tribal authorities or the atherities of the  
 United States to be admitted or enrolled as a citizen of  
 the Choctaw Nation? A No sir.

Melvin Foster--2.

Q Do you appear before the Commission at this time claiming a share in the lands in the Choctaw Nation Indian Territory for yourself under the provisions of the 14th article of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27, 1830? A Yes sir.

This treaty was entered into at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September 1830 between the United States government and the Choctaw tribe of Indians who at that time occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the country they then occupied to a new country west of the Mississippi river. At the time the treaty was made some of the Choctaws objected to removing to this new country but preferred to remain in what constituted the old Choctaw Nation. For the benefit of that class of Indians article fourteen was made a part of the treaty.

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

Q Is that the article under which you make your claim? A Yes sir.

Q Do you think you understand it? A Yes sir.

Q You have heard it read and explained to the preceding applicant? A Yes sir.

Q What is the name of your Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A James -- ~~David~~ James.

Q What relation are you to David James? A He's my great grandfather.

Q Are you related to the applicant who just preceded you? A Yes sir.

Q What relation exists? A I'm the son of him.

Q He's your father is he? A Yes sir.

Q Do you know whether any of your Choctaw ancestors, David James or John James ever complied with or attempted to comply with the provisions of this article that I have just read to you? A No sir I don't.

Q Do you know whether they were recognized members of the Choctaw tribe of Indians at that time or not? A No sir.

Melvin Foster--3.

- Q Do you know whether David James was married and head of a family at that time or not? A I dont know.
- Q Do you know whether John James was married and head of a family? A No sir.
- Q You have no knowledge of your ancestors then nor of any act of compliance on their part but what you have been told by your father? A No sir.
- Q Do you know whether any of your ancestors ever received any land from the United States government as Choctaw Indians or not? A I dont know sir.
- Q Do you desire your case to be considered with your father's case and the record and evidence in his case to be made a part of yours? A Yes sir.

This applicant has blank hair; dark brown eyes, dark complexion and features and appearance of a person of white parentage.

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

Has no knowledge of his ancestry beyond his father and asks that his case be considered with the application of his father.

Reference is made to case M.C.R. 8083 Loyal Price Foster, father of this applicant.

Applicant offers for filing his written petition which is received, filed and marked Exhibit A. and made a part of the record in this case.

- Q It will be necessary for you to furnish proof of the marriage of your father and mother in support of your application.
- A They were married in Arkansas and the court house burned down and the records destroyed.
- Q You can furnish the affidavits of witnesses, that they were married and that they saw them married; that will be necessary.

—0—

Clara Mitchell Wood being first duly sworn upon her oath state 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 1st day of April 1901 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 25 day of April 1902.

William J. Martin  
Notary public

COMMISSIONERS.

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

ALLISON I. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M O R 5084

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 31, 1902.

Wolvi Foster,

Wagoner, Indian Territory.

Dear Sir:

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

Enoch P. James, et al.,	M. C. R.	4882
Gid T. James, et al.,	M. C. R.	518
Lemuel Ed James,	M. C. R.	519
Enoch Polk James,	M. C. R.	862
Mary Caroline Davis,	M. C. R.	936
Mary Caroline Pettit, et al.,	M. C. R.	937
Callie Morrow, et al.,	M. C. R.	940
Tennessee Lytle, et al.,	M. C. R.	1266
Mellie Jameson, et al.,	M. C. R.	1267
Marion Shields Foster, et al.,	M. C. R.	1273
Ida F. Bassham, et al.,	M. C. R.	1354
Tima Lanham, et al.,	M. C. R.	1355
Nellie T. Elrod,	M. C. R.	1376
Amanda Cantrell, et al.,	M. C. R.	1377
James B. Jones,	M. C. R.	1378
John M. Cantrell,	M. C. R.	1379
George W. Jones,	M. C. R.	1380
James E. Jones, et al.,	M. C. R.	1381
Leona E. Boswell, et al.,	M. C. R.	1388
Laura B. Cantrell,	M. C. R.	1389
Ida T. McReynolds, et al.,	M. C. R.	1390
Dovie Elrod,	M. C. R.	1391
Ida Harshbarger,	M. C. R.	1392
John W. James, et al.,	M. C. R.	1393
Lee J. Cantrell,	M. C. R.	1394
John T. Elrod,	M. C. R.	1395
David C. James, et al.,	M. C. R.	1396
Enoch James,	M. C. R.	1397
Ninnie Jones, et al.,	M. C. R.	1398
Eugene G. Pettit,	M. C. R.	1402
David James, et al.,	M. C. R.	2670
C. James, et al.,	M. C. R.	2671
Etta James,	M. C. R.	2672

Fred James.,	M. C. R.	2673
Varina Lowe, et al.,	M. C. R.	2634
Loyed Price Foster, et al.,	M. C. R.	5053
Melvin Foster,	M. C. R.	5054
William N. Foster,	M. C. R.	5055
Minnie Iradell May,	M. C. R.	5056
Molly B. Cane,	M. C. R.	5057

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

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

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

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Enoch P. James, Vila James, Ollie Lee James, Vernon James, Gid T. James, Gail James, Lemuel Ed James, Enoch Polk James, Mary Caroline Davis, Mary Caroline Pettit, Estella Pettit, William Pettit, Callie Morrow, Leland Morrow, Lillian Morrow, Mell Morrow, Tennessee Lytle, David C. Lytle, George Lee Lytle, Everett Lytle, Harry Lytle, Timma Lytle, Beatrice Lytle, Mellie Jameson, Violet Jameson, Jasper Jameson, Marion Shields Foster, Edna Foster, Ida F. Bassham, Eugene M. Bassham, Fannie L. Bassham, Tima Lanham, Earl B. Lanham, Ray Lanham, Elbert Lanham, Nellie T. Elrod, Amanda Cantrell, Perry C. Cantrell (Jr.), Davietta Cantrell, James B. Jones, John M. Cantrell, George W. Jones, James E. Jones, Ola B. Jones, Lola L. Jones, Leona E. Boswell, Bird Boswell, Laura B. Cantrell, Ida T. McReynolds, Ailen McReynolds, Laura D. McReynolds, Dovie Elrod, Ida Harshbarger, John W. James, Virgil C. James, Beulah M. James, Lee J. Cantrell, John T. Elrod, David C. James, Bonny James, Ollie M. James, Otis James, Enoch James, Ninnie Jones, John B. Jones, Edward W. Jones, Eugene G. Pettit, David James, Owaaisa James, Ophelia James, Lavinia James, Lem James, Alta James, Hawley James, C. James, Bessie May James, Etta James, Fred James, Varina Lowe, Floy Lowe, Ouida Lowe, Sager Lowe, Loyed Price Foster, Alice Pearl Foster, Melvin Foster, William N. Foster, Minnie Iradell May, and Molly B. Cane as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Enoch P. James for the identification of his wife, Antanda C. James, as an intermarried Mississippi Choctaw should therefore be refused, and it is so ordered."

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

Yours truly,

*Jams Dix*

Acting Chairman.

Registered.

COPY.

M C R 5054

Muskogee, Indian Territory, November 17, 1902.

Melvin Foster,  
Wagoner, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th 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 Enoch P. James, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

SIGNED:

*James D. Dickey*

Acting Chairman.



MUR-6064

Muskogee, Indian Territory, October 19, 1906.

Melvin Foster,  
Wagoner, Indian Territory.

Dear Sir:-

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 8, 1906, by J. O. Pool, for review and readjudication of the consolidated Mississippi Choctaw case of Enoch P. James et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

MOR-5084

Muskogee, Indian Territory, March 16, 1907.

Melvin Foster,  
Wagoner, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, denied a motion filed with the Department by Kappler & Merillat, attorneys at law, Washington, D. C., for a rehearing in the consolidated Mississippi Choctaw case of Enoch P. James et al.

Respectfully,

Commissioner.

No. 5054

For Identification as a Mississippi Choctaw.

Date APR 1 1902

Name *Melvin Foster*

Age *22* Blood *DONT KNOW*

Post Office, *Wagoner I.T.*

Father: *Loyed P. Foster* ✓

Mother: *Malinda C. Foster* *DEAD*

Claims through *Father*

Children:

Stenograph *Lara Mitchell*

Choctaw MCR 5055

William N. Foster

See MCR 4882

MCR 5055

555

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 1, 1902.

---0---

In the matter of the application for identification  
as a Mississippi Choctaw of William N. Foster.

---0---

William N. Foster being first duly sworn testified as  
follows:

Examination by the Commission:

- Q What is your name? A William N. Foster.  
Q How old are you? A Twenty seven.  
Q How much Choctaw blood do you claim? A I dont know how  
much I have.  
Q What is your post office address? A Fentress, I. T.  
Q How long have you lived at Fentress? A Ten years.  
Q Where did you live before you lived there? A Lived in  
Southtown.  
Q South McAlester? A No sir it's near Caddo  
Q That is in the Choctaw Nation or Chickasaw? A Choctaw.  
Q Where did you live prior to living there? A Lived in the  
country.  
Q Where were you born? A Born in Texas.  
Q How long did you live in Texas before you moved to the  
Indian Territory? A I dont remember. I was small.  
Q Have you ever lived anywhere else? A No sir  
Q Is your father living? A Yes sir.  
Q What is his name? A ~~Price~~ Price Foster.  
Q How old is he? A He's fifty three I think to the best of  
my knowledge.  
Q Is your mother living? A No sir.  
Q What was her name? A Malinda C. Foster  
Q Through which one of your parents do you claim Choctaw  
blood. A Father.  
Q Has your father ever been recognized in any manner or enroll-  
ed as a member of the Choctaw tribe of Indians in the  
Indian Territory by the Choctaw tribal authorities or the  
United States authorities? A No sir.  
Q Are you married? A No sir.  
Q Claim for yourself alone? A Yes sir.  
Q Is your name to be found upon any of the tribal rolls  
of the Choctaw Nation in Indian Territory? A No sir; not  
that I knew of.  
Q Did you or anyone for you ever make application to the  
Choctaw tribal authorities in the Indian Territory to be  
enrolled as a member of that tribe? A No sir.  
Q Did you or anyone for you in the year 1896 make application  
to the Commission to the Five Civilized Tribes for citizenship  
in the Choctaw Nation under the act of Congress approved  
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 for the  
Indian Territory? A No sir.  
Q Have you ever made application prior to this time to either  
the Choctaw tribal authorities, or the authorities of the

William N. Foster--2.

United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.

- Q Do you appear at this time for the purpose of claiming a share in the Choctaw lands in the Indian Territory under the provisions of article fourteen of the treaty concluded September 27, 1830 between the United States government and the Choctaw tribe of Indians? A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians on the 27th of September 1830 at a place called Dancing Rabbit Creek in Mississippi. The Choctaws at that time occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line; the object of the treaty was to secure the removal of the Choctaws from the country they then occupied to a new country west of the Mississippi river; at the time the treaty was made some of the Choctaws didn't want to remove but wanted to remain in the old country and for the benefit of those Choctaws article fourteen was made a part of the treaty:

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 think you understand that article? A I think I do.  
Q That is the article upon which you base your claim is it?  
A Yes sir.  
Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation Mississippi and Alabama at the time this treaty was made - the 27th of September 1830? A James.  
Q His full name? A John James.  
Q Was he a recognized member of the Choctaw tribe of Indians at that time? A I cant tell you.  
Q Was he married and head of a family at that time? A I dont know.  
Q You have no knowledge of ancestry beyond your father and mother? A No sir.  
Q Is Loyed Price Foster who preceded you as an applicant, your father? A Yes sir.

William N. Foster --3.

Q You get your Choctaw blood from the same source he does?

A Yes.

Q Do you desire the evidence given in his case to be considered as part of the evidence in your case? A Yes sir.

This applicant has no knowledge of his ancestry beyond his parents; the examination is not conducted further than the reading of the fourteenth article, the applicant asking that his case be combined with that of his father Loyed Price Foster who has this day made application for identification as a Mississipi Choctaw.

Reference is made to case M.C.R. 5053 Loyed Price Foster, et al.

Q Do you know of any act of compliance on part of your ancestors with this fourteenth article? A No sir.

Q Do you know whether they ever received any land from the United States government as Choctaw Indians or not? A No sir.

---0---

The applicant has light brown hair, grayish blue eyes, fair complexion, features and appearance of a person of white parentage; has no knowledge of his ancestry beyond his father and mother and has no knowledge of any compliance on part of his ancestors with the provisions of the treaty made between the United States government and the Choctaw tribe of Indians concluded September 27, 1830.

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

Q Have you any evidence you want to file with the Commission in support of your application?

Applicant offers in evidence his written application which is received, filed marked Exhibit A and made part of the record in this case.

Q It will be necessary for you to furnish evidence of the marriage of your father and mother in this case.

---0---

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 1st day of April 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 April 1902.

*William J. Martin*  
Notary Public.

COMMISSIONERS

HENRY L. DAWES.  
TAMS BIXBY.  
THOMAS B. NEEDLES  
S. E. PERKINRIDGE

ALEISON L. AYLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

11 0 11 0083

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Winkrogoe, Indian Territory, May 31, 1902.

William H. Foster,

Pontreue, Indian Territory.

Dear Sir:

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

Enoch P. James, et al.,	M. C. R.	4882
Gid T. James, et al.,	M. C. R.	518
Lemuel Ed James,	M. C. R.	519
Enoch Polk James,	M. C. R.	862
Mary Caroline Davis,	M. C. R.	936
Mary Caroline Pettit, et al.,	M. C. R.	937
Callie Morrow, et al.,	M. C. R.	940
Tennessee Lytle, et al.,	M. C. R.	1266
Mellie Jameson, et al.,	M. C. R.	1267
Marion Shields Foster, et al.,	M. C. R.	1273
Ida F. Bassham, et al.,	M. C. R.	1354
Tima Lanham, et al.,	M. C. R.	1355
Nellie T. Elrod,	M. C. R.	1376
Amanda Cantrell, et al.,	M. C. R.	1377
James B. Jones,	M. C. R.	1378
John M. Cantrell,	M. C. R.	1379
George W. Jones,	M. C. R.	1380
James E. Jones, et al.,	M. C. R.	1381
Leona E. Boswell, et al.,	M. C. R.	1388
Laura B. Cantrell,	M. C. R.	1389
Ida T. McReynolds, et al.,	M. C. R.	1390
Dovie Elrod,	M. C. R.	1391
Ida Harshbarger,	M. C. R.	1392
John W. James, et al.,	M. C. R.	1393
Lee J. Cantrell,	M. C. R.	1394
John T. Elrod,	M. C. R.	1395
David C. James, et al.,	M. C. R.	1396
Enoch James,	M. C. R.	1397
Ninnie Jones, et al.,	M. C. R.	1398
Eugene G. Pettit,	M. C. R.	1402
David James, et al.,	M. C. R.	2670
C. James, et al.,	M. C. R.	2671
Etta James,	M. C. R.	2672



Fred James.,	M. C. R.	2673
Varina Lowe, et al.,	M. C. R.	2634
Loyed Price Foster, et al.,	M. C. R.	5053
Melvin Foster,	M. C. R.	5054
William N. Foster,	M. C. R.	5055
Minnie Iradell May,	M. C. R.	5056
Molly B. Cane,	M. C. R.	5057

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

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

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

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Enoch P. James, Vila James, Ollie Lee James, Vernon James, Gid T. James, Gail James, Lemuel Ed James, Enoch Polk James, Mary Caroline Davis, Mary Caroline Pettit, Estella Pettit, William Pettit, Callie Morrow, Leland Morrow, Lillian Morrow, Mell Morrow, Tennessee Lytle, David C. Lytle, George Lee Lytle, Everett Lytle, Harry Lytle, Timma Lytle, Beatrice Lytle, Melie Jameson, Violet Jameson, Jasper Jameson, Marion Shields Foster, Edna Foster, Ida F. Bassham, Eugene M. Bassham, Fannie L. Bassham, Tima Lanham, Earl B. Lanham, Ray Lanham, Elbert Lanham, Nellie T. Elrod, Amanda Cantrell, Perry C. Cantrell (Jr.), Davietta Cantrell, James B. Jones, John M. Cantrell, George W. Jones, James E. Jones, Ola B. Jones, Lola L. Jones, Leona E. Boswell, Bird Boswell, Laura B. Cantrell, Ida T. McReynolds, Allen McReynolds, Laura D. McReynolds, Dovie Elrod, Ida Harshbarger, John W. James, Virgil C. James, Beulah M. James, Lee J. Cantrell, John T. Elrod, David C. James, Bonny James, Ollie M. James, Otis James, Enoch James, Ninnie Jones, John B. Jones, Edward W. Jones, Eugene G. Pettit, David James, Owaaissa James, Ophelia James, Lavinia James, Lem James, Alta James, Hawley James, C. James, Bessie May James, Etta James, Fred James, Varina Lowe, Floy Lowe, Ouida Lowe, Sager Lowe, Loyed Price Foster, Alice Pearl Foster, Melvin Foster, William N. Foster, Minnie Iradell May, and Molly B. Cane as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Enoch P. James for the identification of his wife, Amanda C. James, as an intermarried Mississippi Choctaw should therefore be refused, and it is so ordered."

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

Yours truly,

...

Acting Chairman.

Registered.

COPIE

M C R 5055

Muskogee, Indian Territory, November 17, 1902.

William N. Foster,

Fentress, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th 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 Enoch P. James, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

SIGNED:

*James Pinky*

Acting Chairman.

MCR-5055

Muskogee, Indian Territory, October 19, 1906.

William H. Foster,  
Pantress, Indian Territory.

Dear Sir:

You are hereby notified that on September 28, 1906, the Secretary of the Interior denied a motion, filed June 2, 1906, by J. O. Pool, for review and readjudication of the consolidated Mississippi Choctaw case of Enoch P. James et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

NCR-8088

Muskogee, Indian Territory, March 16, 1907.

William H. Foster,  
Fentress, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, denied a motion filed with the Department by Kappler & Merillat, attorneys at law, Washington, D. C., for a rehearing in the consolidated Mississippi Choctaw case of Knoch P. James et al.

Respectfully,

Commissioner.

FOR INFORMATION OF THE PROBATE COURT

Date APR 1<sup>st</sup> 1902

Name William N Foster

Age 27 Blood Don't know

Post Office, Fenwick I. I.

Father: Loyd P. Foster ✓

Mother: Malinda C Foster Deas

Claims through father

Claims for self only

Children:

Stenographer Clara M. [unclear]

Choctaw MCR 5056

Minnie I: May

See MCR 4882

MCR 5056

508  
Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 1, 1902.

---0---

In the matter of the application of Minnie Iradell May  
for the identification of herself as a Mississippi Choctaw.

---0---

Minnie Iradell May being first duly sworn testified  
as follows:

Examination by the Commission:

- Q What is your name? A Minnie Iradell May.  
Q What is your age? A Twenty nine years old.  
Q How much Choctaw blood do you claim? A Well I dont  
know how much I claim.  
Q What is your post office address? A Wagoner.  
Q Indian Territory? A Yes sir.  
Q How long have you lived there? A Lived there about  
three months.  
Q Where did you live before you lived there? A Lived down  
near Bearden, Creek Nation.  
Q Did you ever live in the Choctaw Nation? A Yes sir.  
Q How long? A About seven years.  
Q Where were you born? A In the state of Arkansas.  
Q Where did you move to from Arkansas? A To Texas.  
Q And from Texas to the Indian Territory? A Yes sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A Loyed P. Foster.  
Q How old is he? A Fifty three years old.  
Q Is your mother living? A No sir.  
Q What was her name? A Malinda Catherine.  
Q How old would your mother be if she was living now?  
A She would be fifty threeyears old last January.  
Q Through which one of your parents do you claim Choctaw  
blood? A My father.  
Q Were your father and mother legally married? A Yes sir.  
Q When and where were they married? A They were married in  
the state of Arkansas.  
Q Do you know what year? A 1870.  
Q Have you got any evidence with you of that marriage? A  
No sir.  
Q It will be necessary for you to furnish the Commission  
with evidence of such marriage between your father and  
mother; you can do that by furnishing the original  
marriage license and certificate or a certified copy of  
the same, and in case of destruction of the records or  
the loss of the original marriage license and certifi-  
cate you can furnish the affidavits of two persons who  
saw and know that your father and mother were legally  
married.  
Q Are you married? A Yes sir.  
Q What is the name of your husband? A Chris C. May.  
Q Is he a white man? A Yes sir.  
Q Does he make any claim to Choctaw blood? A No sir.  
Q Do you make any claim for him? A No sir, only myself,  
through my parents; only what I learned.

- Q Have you any children you desire to make application for at this time? A No sir, I have no children.
- Q Then you make this claim for yourself alone? A Yes sir.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation Indian Territory? A I suppose not.
- Q Dont you know whether your name is or not? A I dont know -- my fore parents--
- Q I asked if your name was on any of the rolls. A Not that I know of.
- Q Have you ever made any application to the Choctaw tribal authorities to have your name put on the rolls? A Not only what my father has done, in having these papers drawn up.
- Q I asked you if your name was on any of the rolls of the Choctaw Nation; has it ever been placed there by the Choctaw tribal authorities in the Indian Territory? A Not that I know of.
- Q Wouldn't you know if your name was on any of the rolls? A I dont know.
- Q As a matter of fact dont you know that your name is'nt on the tribal rolls? A I dont know that it is; I dont see why it should be.
- Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of the tribe? A No sir.
- Q Did you in 1896 or anyone for you make application to the Commission to the Five Civilized Tribes to be admitted to citizenship in the Choctaw Nation under the act of Congress approved 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 for the Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming a share of the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of 1830? A Yes sir.

This treaty was entered into at a place called Dancing Rabbit Creek in Mississippi between the United States government and the Choctaw tribe of Indians on the 27th of September 1830. At that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary. The object of the treaty was to secure the removal of all the Choctaws from the country that they then occupied to a new country west of the Mississippi river. At the time the treaty was made, a great many Choctaws objected to coming to this country and wanted to remain in the old Choctaw Nation and for the benefit of that class of Choctaws article fourteen was made a part of the treaty.

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



Winnie Iradell May--3----

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

Q Is that the article under which you make your claim?

A I cant really understand how that is.

Q That is the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians; I will explain it further.

That article required that in case a Choctaw desired to remain in the old Choctaw Nation or didn't want to remove to the new Choctaw Nation Indian Territory he should, within six months from the time this treaty was ratified, and Congress ratified the treaty on the 24th day of February 1831, go before the government agent in Mississippi and signify to him - that is let him know in some way - that he wanted to remain in the old Choctaw Nation - that he wanted to take land there and become a citizen of the states; after having done this he was entitled as the head of a family to a section of land - six hundred and forty acres to be bounded by sectional lines of survey, and for each child in his family unmarried over the age of ten years he was entitled to half that quantity and for each child under ten years of age a quarter section the reservations of the children to adjoin the reservation of the parent, and these reservations to include any improvements owned by the head of the family at the time the treaty was made which was the 27th of September 1830. This article also required that when a Choctaw did receive his land from the government he should reside upon the same for the term of five years, after which time the government would give him a title in fee simple which entitled him to dispose of the land at his pleasure. The last clause of the article is as follows:

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

That means that those Choctaws who elected to remain in the old Choctaw Nation and who took their land under this article, resided upon the same for the term of five years

and got a title in fee simple, did not forfeit their rights to citizenship in the Choctaw Nation but did lose any right to claim any portion of the Choctaw annuities; annuities were moneys paid the Choctaw Indians annually under treaty provisions.

- Q Do you think you understand the article? A I reckon so. Papa you will have to answer for me; I declare I dont know; that's too much for me to understand.
- Q What part is it your dont understand? A I dont know what it means.
- Q Is Loyed Price Foster your father? A Yes sir.
- Q He is the one who made application today to the Commission for identification as a Mississippi Choctaw is he? A Yes sir.
- Q Have you any knowledge of your ancestry beyond your father. A I remember my grand mother and my great grand father.
- Q What is your great grand father's name? A David James
- Q Was he a Choctaw Indian? A He was supposed to be.
- Q You say you dont understand this article fourteen as I have read it and explained it to you? A No.

At the time the treaty was made, certain of the Choctaw Indians didn't want to come to this new country - the Choctaw Nation Indian Territory - they wanted to stay in the old Choctaw Nation, and for the benefit of that class of Indians this article was made a part of the treaty; those Indians who remained were entitled to so much land - the head of a family to a section of land and for each child in his family over ten years a half section and for each child under ten years a quarter section. The government gave them that land provided they would live on the land for five years after which time the government gave them a patent; that was an exchange by the government to the Choctaws of land the Choctaws owned in the old Choctaw Nation Mississippi and Alabama for this new country which is now the Choctaw Nation Indian Territory; those Choctaws who remained in the old Choctaw Nation became citizens of the states by taking this land and living on it five years -- they complied with the requirements of that fourteenth article. Now after having done that if they wanted to remove to the Choctaw Nation Indian Territory they still had their right to citizenship but forfeited any rights they would have had to the moneys that were being paid the Choctaw Indians by the government.

- Q Do you think you understand it now? A Yes sir I understand it now.
- Q Can you tell me the name of your Choctaw ancestor who used to live in the old Choctaw Nation Mississippi and Alabama in 1830 when this treaty was made? A John James.
- Q Was he married and head of a family at that time?
- A I dont know; he was married I suppose but I cant tell you whether he had any family living or not.
- Q Do you know whether he was a recognized member of the Choctaw tribe of Indians at that time or not. A I suppose so.
- Q Do you know whether he ever complied or attempted to comply with the provisions of this article I read you?
- A I dont know any more than I have been told that his name was on the roll in 1830 is all I know.

Minnie Iradell May--5--02.

- Q Do you know whether he ever received any land from the United States government as a Choctaw Indian or not?  
A No sir I dont know.  
Q Do you desire the evidence given in your father's case to be considered as part of the record in your case -- considered as evidence in your case? A Yes sir.

Reference is made to E.C.R. 5053.

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

---0---

Applicant has brown hair, brown eyes, fair complexion, features and appearances of a person of white parentage; has no knowledge of her ancestry beyond her father and asks that her case be combined with his.

---0---

Applicant offers for filing written application which is received filed marked exhibit A and made a part of the record in this case.

---0---

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 first day of April 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 April 1902.

*William J. Martin*  
Notary Public.

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

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M C R 5088

COPY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Wagoner, Indian Territory, May 31, 1902.

Minnie Iradell May,

Wagoner, Indian Territory.

Dear Madam:

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

Enoch P. James, et al.,	M. C. R. 4882
Gid T. James, et al.,	M. C. R. 518
Lemuel Ed James,	M. C. R. 519
Enoch Polk James,	M. C. R. 862
Mary Caroline Davis,	M. C. R. 936
Mary Caroline Pettit, et al.,	M. C. R. 937
Callie Morrow, et al.,	M. C. R. 940
Tennessee Lytle, et al.,	M. C. R. 1266
Mellie Jameson, et al.,	M. C. R. 1267
Marion Shields Foster, et al.,	M. C. R. 1273
Ida F. Bassham, et al.,	M. C. R. 1354
Tima Lanham, et al.,	M. C. R. 1355
Nellie T. Elrod,	M. C. R. 1376
Amanda Cantrell, et al.,	M. C. R. 1377
James B. Jones,	M. C. R. 1378
John M. Cantrell,	M. C. R. 1379
George W. Jones,	M. C. R. 1380
James E. Jones, et al.,	M. C. R. 1381
Leona E. Boswell, et al.,	M. C. R. 1388
Laura B. Cantrell,	M. C. R. 1389
Ida T. McReynolds, et al.,	M. C. R. 1390
Dovie Elrod,	M. C. R. 1391
Ida Harshbarger,	M. C. R. 1392
John W. James, et al.,	M. C. R. 1393
Lee J. Cantrell,	M. C. R. 1394
John T. Elrod,	M. C. R. 1395
David C. James, et al.,	M. C. R. 1396
Enoch James,	M. C. R. 1397
Ninnie Jones, et al.,	M. C. R. 1398
Eugene G. Pettit,	M. C. R. 1402
David James, et al.,	M. C. R. 2670
C. James, et al.,	M. C. R. 2671
Etta James,	M. C. R. 2672

Fred James.,	M. C. R. 2673
Varina Lowe, et al.,	M. C. R. 2634
Loyed Price Foster, et al.,	M. C. R. 5053
Melvin Foster,	M. C. R. 5054
William N. Foster,	M. C. R. 5055
Minnie Iradell May,	M. C. R. 5056
Molly B. Cane,	M. C. R. 5057

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

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

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

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Enoch P. James, Vila James, Ollie Lee James, Vernon James, Gid T. James, Gail James, Lemuel Ed James, Enoch Polk James, Mary Caroline Davis, Mary Caroline Pettit, Estella Pettit, William Pettit, Callie Morrow, Leland Morrow, Lillian Morrow, Mell Morrow, Tennessee Lytle, David C. Lytle, George Lee Lytle, Everett Lytle, Harry Lytle, Timma Lytle, Beatrice Lytle, Melle Jameson, Violet Jameson, Jasper Jameson, Marion Shields Foster, Edna Foster, Ida F. Bassham, Eugene M. Bassham, Fannie L. Bassham, Tima Lanham, Earl B. Lanham, Ray Lanham, Elbert Lanham, Nellie T. Elrod, Amanda Cantrell, Perry C. Cantrell (Jr.), Davietta Cantrell, James B. Jones, John M. Cantrell, George W. Jones, James E. Jones, Ola B. Jones, Lola L. Jones, Leona E. Boswell, Bird Boswell, Laura B. Cantrell, Ida T. McReynolds, Allen McReynolds, Laura D. McReynolds, Dovie Elrod, Ida Harshbarger, John W. James, Virgil C. James, Beulah M. James, Lee J. Cantrell, John T. Elrod, David C. James, Bonny James, Ollie M. James, Otis James, Enoch James, Ninnie Jones, John B. Jones, Edward W. Jones, Eugene G. Pettit, David James, Owaaisa James, Ophelia James, Lavinia James, Lem James, Alta James, Hawley James, C. James, Bessie May James, Etta James, Fred James, Varina Lowe, Floy Lowe, Ouida Lowe, Sager Lowe, Loyed Price Foster, Alice Pearl Foster, Melvin Foster, William N. Foster, Minnie Iradell May, and Molly B. Cane as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Enoch P. James for the identification of his wife, Amanda C. James, as an intermarried Mississippi Choctaw should therefore be refused, and it is so ordered.”

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

Yours truly,

*J. J. ...*

Acting Chairman.

Registered.

COPY:

M C R 5056

Muskogee, Indian Territory, November 17, 1902.

Minnie I. May,

Wagoner, Indian Territory.

Dear Madam:

You are hereby notified that on the 6th 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 Enoch P. James, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

WABN

*Tame Dixby.*  
Acting Chairman.

MOR-6056

Muskogee, Indian Territory, October 19, 1906.

Minnie I. May,  
Wagoner, Indian Territory.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 3, 1906, by J. O. Pool, for review and readjudication of the non-consolidated Mississippi Choctaw case of Knoch P. James et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

MCB-5056

Muskogee, Indian Territory, March 16, 1907.

Minnie I. May,  
Wagoner, Indian Territory.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, denied a motion filed with the Department by Kappler & Merrillat, attorneys at law, Washington, D. C., for a rehearing in the consolidated Mississippi Choctaw case of Enoch P. James et al.

Respectfully,

Commissioner.



No. 5056

For Identification as a Mississippi Choctaw.

Date APR 1 1902

Name Minnie I. May

Age 29 Blood Don't know

Post Office, Wagoner Ind.

Father: Lloyd P. Foster ✓

Mother Malinda Cothran - Dead

Claims through Father  
Husband

Chris C. May

No claim for husband

Children:

Stenographer Clara Mitchell Wood

Choctaw MCR 5057

Mollie B. Cane

See MCR 4882

MCR 5057

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April, 1, 1908.

5057

In the matter of the application of Nellie B. Cane for the identification of herself as a Mississippi Choctaw.

No attorney for applicant.

Nellie B. Cane being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Nellie B. Cane.  
Q How old are you? A Twenty five years old.  
Q How much Choctaw blood you claim? A I can't tell you.  
Q What is your post office address? A Waggoner, Indian Territory.  
Q How long have you lived there? A Just about four years.  
Q Where did you live before you moved to Waggoner? A From the Creek Nation, down close to Haldenville.  
Q Were you born in the Indian Territory? A No sir; in Grayson County, Texas.  
Q Moved from Texas to the Indian Territory? A To the Chickasaw Nation. Moved from there to the Choctaw Nation and lived there 7 or 8 years and from there we moved to the Creek Nation.  
Q Is your father living? A Yes sir.  
Q What is his name? A Loyal P. Porter.  
Q How old is he? A Fifty three years old.  
Q Is your mother living? A No sir.  
Q What was her name? A Malinda Catherine.  
Q How old would your mother be if living now? A Fifty three years old.  
Q Through which one of your parents do you claim your Choctaw blood? A Through my father.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What is his name? A Charley R. Cane.  
Q Is he a white man? A Creek Indian.  
Q When and where were you married to Charley R. Cane? A In the lower part of the Nation, down here.

Q Under Creek laws and customs? A No sir; under ~~Creek~~ laws of the United States.

Q Did you ever make any application to the Creek nation for any rights which you may have as the wife of Charley R. Cane? A Yes, I suppose I am the wife.

Q I asked you if you ever made any application to the Creek nation for any rights you might have by being the wife of this man?

A No sir.

Q Are you on the rolls of the Creek Nation? A No sir.

Q Is your husband an enrolled citizen of the Creek Nation? A Yes sir.

Q You have made no application of any kind for any rights of any kind to the Creek Nation? A No sir.

Q Have you any children that you desire to make application for?

A No sir. They have rights in the Creek Nation.

Q The children have been applied for by your husband? A Yes sir.

Q What is the name and ages of these children? A One is six years old; Minnie P. Cane; the other is going on three years old, Hattie N. Cane.

Q Application has been made for their rights as Creek Indians thro' their father? A Yes sir.

Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I don't know.

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

Q Have you ever made any application in any way to the Choctaw tribal authorities to be enrolled as a citizen of that Nation? A No sir.

Q Then you have pretty good reason for believing your name is not on the rolls of the Choctaw Nation? A I don't think my name is there at all.

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

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

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A Not until this time.

Q Do you appear before the Commission at this time for the purpose of claiming a share in the Choctaw lands in the Choctaw Nation, Indian Territory, under the provisions of article fourteen of the treaty concluded between the United States Government and the Choctaw tribe of Indians September 27, 1830? A Yes sir.

This treaty was concluded between the United States and the Choctaw tribe of Indians on the 27th day of September 1830 at a place called Dancing Rabbit Creek in Mississippi; at that time the

Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the Western boundary line; the object of the treaty was to secure the removal of all the Choctaws from the country they then occupied to the new country West of the Mississippi River; at the time the treaty was made some of the Choctaws refused to go to the new country and preferred to remain in the old Choctaw Nation and for the benefit of this class of Indians article fourteen was made; 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."

That article required that in case a Choctaw wanted to remain in the old Choctaw Nation and accept lands under its provisions he should within six months from the time the treaty was ratified by Congress-- Congress ratified this treaty on the 24th day of February, 1831,-- go before the Government agent there in Mississippi and signify to him-- that is, tell him in some way-- that he wanted to stay in Mississippi, take land there and become a citizen of the United States; after having done that he was entitled to a reservation as the head of a family of one section of 640 acres to be bounded by sectional lines of survey; and for each child living with him over ten years of age and unmarried one half that or 320 acres, and for such a child under ten, a quarter section of land or 160 acres of land, the reservations of the children to adjoin the location of the parent and to include the improvement made by the head of the family at the time the treaty was made in 1830. This article also required that any one receiving lands from the United States Government should reside upon said lands for five years after which the Government would give him a title in fee simple and he could dispose then of them at his pleasure. The last clause is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that any Choctaw who

complied with the provisions of taking his land and staying on it five years did not forfeit his right to citizenship in the Choctaw Nation, Indian Territory, but did lose his right to any moneys which were paid to the Choctaw Indians annually under treaty provisions.

- Q Is that the article you claim under? A Yes sir.  
Q Understand it? A I think I do.  
Q What was the name of your Choctaw ancestor who lived in the Choctaw nation at the time this treaty was made? A John James.  
Q Was he living there then? A I can't tell you.  
Q Was he married and head of a family then? A I don't know.  
Q Do you know whether John James received any lands from the United States Government as a Choctaw Indian? A I don't know.  
Q Have you any knowledge of your ancestry beyond your father?  
A Nothing only my grandmother.  
Q You know then of no act of compliance on the part of any of your ancestors with the provisions of this article? A No sir.  
Q Are you a daughter of Loyed P. Foster who made application today for identification as a Mississippi Choctaw? A Yes sir.  
Q Do you desire the evidence in his case to be considered with yours? A Yes sir.  
Q And your case combined with his? A Yes sir.  
Q Do you speak or understand the Choctaw language? A No sir.  
Q When and where were your father and mother married? A In Arkansas  
Q Have you proof of their marriage with you? A No sir.

It will be necessary for you to file with the Commission proof of the legal marriage of your father and mother; you can do that by filing marriage license and certificate or certified copy of same; if, however, as has been stated in your father's case, the records have been destroyed by fire, you will be permitted to file the affidavits of two disinterested parties, witnesses to their marriage.

- Q This application you have made, then, is for yourself alone?  
A Yes sir.

Q  
The applicant has light brown hair, blueish eyes, fair complexion, features and appearance of a person of white parentage; the applicant testifies that she has no knowledge of any act of compliance on the part of her ancestors with the provisions of article fourteen of the treaty, concluded between the United States Government and the Choctaw Nation.

Applicant offers for filing here a written petition which is received, marked Exhibit "A" and made a part of the record in this case.

---

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 1, 1902,

and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Starn*

Subscribed and sworn to before me this 26 day of April, 1902.

*Charles Mitchell Wood*

Notary Public.

COMMISSIONERS

HENRY L. DAWES,  
TAMM BIRBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE.

ALLISON L. AVIERSWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M C R 5097

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 31, 1902.

Mollie B. Goss,

Wagoner, Indian Territory.

Dear Madam:

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

Enoch P. James, et al.,	M. C. R. 4882
Gid T. James, et al.,	M. C. R. 518
Lemuel Ed James,	M. C. R. 519
Enoch Polk James,	M. C. R. 862
Mary Caroline Davis,	M. C. R. 936
Mary Caroline Pettit, et al.,	M. C. R. 937
Callie Morrow, et al.,	M. C. R. 940
Tennessee Lytle, et al.,	M. C. R. 1266
Mellie Jameson, et al.,	M. C. R. 1267
Marion Shields Foster, et al.,	M. C. R. 1273
Ida F. Bassham, et al.,	M. C. R. 1354
Tima Lanham, et al.,	M. C. R. 1355
Nellie T. Elrod,	M. C. R. 1376
Amanda Cantrell, et al.,	M. C. R. 1377
James B. Jones,	M. C. R. 1378
John M. Cantrell,	M. C. R. 1379
George W. Jones,	M. C. R. 1380
James E. Jones, et al.,	M. C. R. 1381
Leona E. Boswell, et al.,	M. C. R. 1388
Laura B. Cantrell,	M. C. R. 1389
Ida T. McReynolds, et al.,	M. C. R. 1390
Dovie Elrod,	M. C. R. 1391
Ida Harshbarger,	M. C. R. 1392
John W. James, et al.,	M. C. R. 1393
Lee J. Cantrell,	M. C. R. 1394
John T. Elrod,	M. C. R. 1395
David C. James, et al.,	M. C. R. 1396
Enoch James,	M. C. R. 1397
Ninnie Jones, et al.,	M. C. R. 1398
Eugene G. Pettit,	M. C. R. 1402
David James, et al.,	M. C. R. 2670
C. James, et al.,	M. C. R. 2671
Etta James,	M. C. R. 2672



Fred James.,	M. C. R. 2673
Varina Lowe, et al.,	M. C. R. 2634
Loyed Price Foster, et al.,	M. C. R. 5053
Melvin Foster,	M. C. R. 5054
William N. Foster,	M. C. R. 5055
Minnie Iradell May,	M. C. R. 5056
Molly B. Cane,	M. C. R. 5057

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

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

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

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Enoch P. James, Vila James, Ollie Lee James, Vernon James, Gid T. James, Gail James, Lemuel Ed James, Enoch Polk James, Mary Caroline Davis, Mary Caroline Pettit, Estella Pettit, William Pettit, Callie Morrow, Leland Morrow, Lillian Morrow, Mell Morrow, Tennessee Lytle, David C. Lytle, George Lee Lytle, Everett Lytle, Harry Lytle, Timma Lytle, Beatrice Lytle, Mellie Jameson, Violet Jameson, Jasper Jameson, Marion Shields Foster, Edna Foster, Ida F. Bassham, Eugene M. Bassham, Fannie L. Bassham, Tima Lanham, Earl B. Lanham, Ray Lanham, Elbert Lanham, Nellie T. Elrod, Amanda Cantrell, Perry C. Cantrell (Jr.), Davietta Cantrell, James B. Jones, John M. Cantrell, George W. Jones, James E. Jones, Ola B. Jones, Lola L. Jones, Leona E. Boswell, Bird Boswell, Laura B. Cantrell, Ida T. McReynolds, Allen McReynolds, Laura D. McReynolds, Dovie Elrod, Ida Harshbarger, John W. James, Virgil C. James, Beulah M. James, Lee J. Cantrell, John T. Elrod, David C. James, Bonny James, Ollie M. James, Otis James, Enoch James, Ninnie Jones, John B. Jones, Edward W. Jones, Eugene G. Pettit, David James, Owaaissa James, Ophelia James, Lavinia James, Lem James, Alta James, Hawley James, C. James, Bessie May James, Etta James, Fred James, Varina Lowe, Floy Lowe, Ouida Lowe, Sager Lowe, Loyed Price Foster, Alice Pearl Foster, Melvin Foster, William N. Foster, Minnie Iradell May, and Molly B. Cane as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Enoch P. James for the identification of his wife, Amanda C. James, as an intermarried Mississippi Choctaw should therefore be refused, and it is so ordered."

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

Yours truly,

*James P. ...*

Acting Chairman.

Registered.

COPY.

M. C. R. 5087

Muskogee, Indian Territory, November 17, 1902.

Mollie B. Cane,  
Wagoner, Indian Territory.

Dear Madam:

You are hereby notified that on the 6th 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 Enoch P. James, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

SIGNED

*Tame Bibby.*

Acting Chairman.

MCR-8087

Muskogee, Indian Territory, October 19, 1906.

Mollie B. Cane,  
Wagoner, Indian Territory.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 2, 1906, by J. O. Pool, for review and readjudication of the consolidated Mississippi Choctaw case of Enoch P. James et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

MUR-5087

Muskogee, Indian Territory, March 16, 1907.

Mollie B. Cane,  
Wagoner, Indian Territory.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, denied a motion filed with the Department by Kappler & Merrillat, attorneys at law, Washington, D. C., for a rehearing in the consolidated Mississippi Choctaw case of Knoch P. James et al.

Respectfully,

Commissioner.

No. 5057

For Identification as a Mississippi Choctaw.

Date FEB 1 1902

Name Mollie B. Cane

Age 25 Blood About None

Post Office, Waycross, G. T.

Father: Lloyd P. Foster ✓

Mother: Melinda Catherine " Mrs

Claims through Father  
Husband Charly R. Cane #

Children:

Stenographer H. G. Nairn

Choctaw MCR 5058

Elizabeth J. Roach

See MCR 5059, 5191, 5695

MCR 5058

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

-----

In the matter of the application of Elizabeth Jane Roach, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Elizabeth Jane Roach,	M.C.R. 5058
Ida May Ellis, et al.,	" 5060
Hallie C. Jackson, et al.,	" 5191
John L. Roach,	" 5095

-----

----- **I N D E X** -----

---

List of papers forwarded to the Secretary of the Interior, comprising the record in the case of Elizabeth Jane Roach, et al. M.C.R. 5058

	Page
Original application of Elizabeth Jane Roach to the Dawes Commission for identification as a Mississippi Choctaw, - - - - -	1
Original application of Ida May Ellis, et al., to the Dawes Commission for identification as Mississippi Choctaws, - - - - -	6
Original application of Hallie C. Jackson, et al., to the Dawes Commission for identification as Mississippi Choctaws, - - - - -	11
Original application of John L. Roach to the Dawes Commission for identification as a Mississippi Choctaw, - -	17
Decision of the Commission refusing the applications in the consolidated case of Elizabeth Jane Roach, et al., for identifications as Mississippi Choctaws, - - - - -	21

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 2, 1902.

5058

In the matter of the application for identification as a  
Mississippi Choctaw of Elizabeth Jane Roach .

Francis A. Pierce attorney for applicant; no appearance.

Examination by the Commission.

- Q What is your name? A Elizabeth Jane Roach.  
Q What is your age? A I will be seventy-two the 6th day of  
next May.  
Q Seventy-one now? A Yes, sir.  
Q What is your post office address? Sugden.  
Q Indian Territory? A Yes, sir.  
Q How long have you lived there? A We have been living there,-  
---we came to the Territory five years ago.  
Q Where were you born? A Tennessee.  
Q At what place in Tennessee? A Spencer County, six miles from  
Shelbyville.  
Q From Tennessee you went to where? A Missouri.  
Q You lived in Missouri how long? A Two years.  
Q Then you went where? A Texas and lived there twenty-six  
years.  
Q What place in Texas? A Hillsboro.  
Q From Texas you went where? A Territory.  
Q Have been in the Territory since? A Yes, sir.  
Q What is your father's name? A William McClure.  
Q Is he living? A No, sir; he has been dead a long time.  
Q Is your mother living? A No, sir.  
Q What was her name? A Martha D. McClure.  
Q Through which parent do you claim Choctaw blood? A My father  
Q How much Choctaw blood do you claim? A About one-eighth, He  
was a real Choctaw.  
Q You claim 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 Terri-  
tory? A Not that I know of.  
Q Have you proof of the marriage of your father and mother? A  
They were married in Tennessee.  
Q You have no proof of that marriage with you? A No, sir.  
Q Can you introduce that evidence later if given time? A I  
guess I can.

A reasonable time is allowed for that purpose.

- Q Are you married? A Yes, sir.  
Q Husband is living? A Yes, sir.  
Q What is your husband's name? A J. S. Roach.  
Q Is your husband a white man? A Oh! Yes.  
Q You don't make any claim for him? A No, sir.  
Q Have you any children you want to make application for? A Three.  
Q Are they under age? A No, sir; they are all over age.  
Q You have none under age? A No, sir.



#2

- Q You claim for yourself alone? A Yes, sir.
- Q Did you say you had a grown daughter? A Yes one that is here.
- Q She is going to make application herself? A Yes, sir.
- Q You say you have some older children? A Yes, I have two more.
- Q Will you give the names of your older children? A M. E. Brock.
- Q What does the "M" stand for? A Margaret.
- Q Where does she live? A Parker County, Texas.
- Q What is the name of your next child? A Louis Roach.
- Q He is married? A Yes, sir.
- Q Where does he live? A In Lemar County.----Then my youngest daughter lives in the Commanche Country, I believe they call it Lawton now.
- Q What is her name? A Gallie Jackson.
- Q She is married? A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir; I never made any application.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir; this is my first.
- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No, sir.
- Q You never have 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 identify yourself 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 Yes, sir.
- Q You think you understand it? A Yes, I reckon I do.
- Q You don't care to have it explained any further? A No, sir I suppose not.

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 intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandfather.

- Q What is his name? A William McClure.
- Q Grandfather? A Yes, grandfather.
- Q Did he or any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A No, sir; they never did.
- Q Did William McClure live in Mississippi? A Yes, sir.
- Q Did he live there in 1830 seventy--two years ago? A I could not tell you.
- Q Did he have a family there then? A He was married.
- Q He was married and had a family of children in Mississippi? A He was married in Humphreys County, Tennessee.
- Q Was he ever married in the state of Mississippi? A No, sir he went to Tennessee and married there.
- Q Did he claim his Choctaw blood through his father or mother? A Father.
- Q What was his father's name? A James.
- Q That was your great garndfather? A Yes, sir.
- Q He lived in Mississippi and was married there? A Yes, sir.
- Q Had a family there? A Yes, sir.
- Q In 1830? A yes, sir.
- Q Then you claim your Choctaw blood through James McClure your great grandfather who lived in Mississippi in 1830 and had a family there? A Yes, sir; they all moved to Tennessee.
- Q Do you know when James McClure moved with his family from Mississippi to Tennessee? A No, sir.
- Q How old would he be if living now? A He would be a very old man.
- Q You don't know how old? A No, sir.
- Q How old would his son William be if living now? A My father?
- Q The son of James McClure your grandfather? A Right on to a hundred I suppose/.
- Q Where did he die? A He died in Tennessee.
- Q Your father William was named after his father was he not? A Yes, sir.
- Q Where did your father William die? A In Tennessee.
- Q He never lived in Mississippi? A No, sir; not that I know of
- Q Did your great grandfather James McClure have any Choctaw Indian name or speak the Choctaw language? A Yes, they all had the brogue I think, but I was so small I don't recollect it.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A No, sir; 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 could not say.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No, sir; none that I ever heard of.
- 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.
- Q Did they claim 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; they owned land in Tennessee after they moved there.
- 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 No, sir.

The Choctaw Indians who lived in Mississippi 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 within six months from the ratification of this 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 the result of his neglect, to register these Indians, caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements upon it; both were taken from them by the government and sold at its public land sales. This caused a good many complaints among the Choctaw Indians so that in 1837, by act approved March 3rd 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 another Commission was appointed for the same purpose under an act approved August 23rd of that year and this Commission also went to 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 under that article of that treaty? A No, sir; if they ever did I don't know it. My father died a good many years ago.

The act of Congress approved August 23rd 1842m 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 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 he should receive a certificate to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any such scrip?  
A I am confident that they did not.
- Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A No, sir; I have some brothers.
- Q Have they been here? A No, sir.
- Q No relatives have been here? No, sir; none at all.
- Q Have you any other proof you want to submit now? A No, sir.
- Q Have you any documentary evidence? A No, sir.
- Q Have you any witnesses that you want to call? A No, sir.
- Q Would you like a little time would you? A Yes, sir.

A reasonable time will be allowed this applicant in which to furnish proper evidence, if she desires, in support of this application.

- Q Can you speak the Choctaw language? A I can speak it a little but I never was taught it.
- Q Talk to a Choctaw? A No, sir; people used to think it was a disgrace to speak it.
- Q Is there anything more you want to say? A No, sir.

45

This applicant has the appearance and physical characteristics of being descended from white parents; blue eyes; dark brown hair; medium dark complexion. She has no knowledge of the Cheyenne language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the Treaty of 1850.

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 April 2, 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 April 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 3 day of May 1902.

*[Signature]*

Notary Public.

J.W.R.

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

In the matter of the application of Elizabeth Jane Roach, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Elizabeth Jane Roach,	M.C.R. 5058
Ida May Ellis, et al.,	" 5059
Sallie C. Jackson, et al.,	" 5191
John L. Roach,	" 5695

-----  
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 Elizabeth Jane Roach for herself; by Ida May Ellis for herself and minor child, Ethel Marie Ellis; by Sallie C. Jackson for herself and her eight minor children, James Lee, Henry Franklin, George Alfred, Cora Pearl, Ida Elizabeth, Ada, Katie and Madie Miller Jackson; and by John L. Roach for himself, 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 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 James McClure, 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 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 is found that the name of one James McClure appears upon page 68 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Moultrie's District in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek" and had land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of article nineteen of said treaty. The name of Wm. McClure (applicants claim that the name of principal applicant's father was William McClure) appears on page 78 of the above mentioned Volume and in a similar list to that aforesaid, and also on page 126 of the same reference in a list of claims

claimed under the nineteenth article. 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 article fourteen of the treaty of "Dancing Rabbit Creek."

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said James Mallure, or an ancestor less remote, or the principal applicant herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Chectaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (9 Stat., 100), and August 22, 1842 (6 Stat., 512).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Miss Abeth Jane Beach, Ida May Ellis, Ethel Marie Ellis, Nellie C. Jackson, James Lee Jackson, Henry Franklin Jackson, George Alfred Jackson, Sara Pearl Jackson, Ida Elizabeth Jackson, Ada Jackson, Mattie Jackson, Mattie Miller Jackson and John L. Beach, 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.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

Jame Birby.

Acting Chairman.

SIGNED:

T. B. Needles.

Commissioner.

SIGNED:

C. R. Breckinridge.

Commissioner.

Mustang, Indian Territory.

DEC 2 1902

RECORD FORWARDED DEPARTMENT.

NOTICE OF DECISION FORWARDED  
APPLICANT

DEC 2 1902



COPY

Muskogee, Indian Territory, December 2, 1902.

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 December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Jane Roach, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth Jane Roach,	M.C.R. 5058
Ida May Ellis, et al.,	" 5059
Sallie C. Jackson, et al.,	" 5191
John L. Roach,	" 5695

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 425).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Jane Roach, Ida May Ellis, Ethel Marie Ellis, Sallie C. Jackson, James Lee Jackson, Henry Franklin Jackson, George Alfred Jackson, Gera Pearl Jackson, Ida Elizabeth Jackson, Ada Jackson, Katie Jackson, Eddie Miller Jackson and John L. Roach 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 petition in this case  
has been allowed to stand from the date hereof until which it  
is argued in this office, and that at the expiration of said  
time the papers in the case, together with such arguments will be  
forwarded for review to the Secretary of the Interior through the  
Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*James Dixey*

Acting Chairman.

*W. C. B.*

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM DIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5058

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory, December 2, 1902.

Elizabeth J. Roach,  
Sugden, Indian Territory.

Dear Madam:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Jane Roach, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth Jane Roach,	M.C.R. 5058
Ida May Ellis, et al.,	" 5059
Sallie C. Jackson, et al.,	" 5191
John L. Roach,	" 5695

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Jane Roach, Ida May Ellis, Ethel Marie Ellis, Sallie C. Jackson, James Lee Jackson, Henry Franklin Jackson, George Alfred Jackson, Cora Pearl Jackson, Ida Elizabeth Jackson, Ada Jackson, Katie Jackson, Eddie Miller Jackson and John L. Roach as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article

-2-

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

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

Respectfully,

A handwritten signature consisting of several overlapping, sweeping strokes, likely representing the name of the Acting Chairman.

Acting Chairman.

Registered.

COPY

M.C.R. 5058

Muskogee, Indian Territory, December 2, 1902.

Francis A. Pierce,  
Attorney-at-Law,  
Arkmore, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Jane Roach, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth Jane Roach,	M.C.R. 5058
Ida May Ellis, et al.,	" 5059
Sallie G. Jackson, et al.,	" 5192
John L. Roach,	" 5695

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Jane Roach, Ida May Ellis, Ethel Marie Ellis, Sallie G. Jackson, James Lee Jackson, Henry Franklin Jackson, George Alfred Jackson, Vera Pearl Jackson, Ida Elizabeth Jackson, Ada Jackson, Katie Jackson, Eddie Miller Jackson, and John L. Roach 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 present their case in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

*Tame Bixby.*

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Elizabeth Jane Reach, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 2, 1902.

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

Elizabeth Jane Reach,	M.C.R. 5058
Ida May Ellis, et al.,	" 5059
Sallie C. Jackson, et al.,	" 5191
John L. Reach,	" 5695

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. 5058

*Tan C. Hickey*  
Acting Chairman.

COPY.  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

Land 75522-1902.

June 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for your consideration the record and proceedings of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following: Elizabeth Jane Roach for herself; Sallie C. Jackson for herself and her eight minor children, James Lee, Henry Franklin, George Alfred, Cora Pearl, Ida Elizabeth, Ada, Katie and Eddie Miller Jackson; John L. Roach for himself, wherein a decision adverse to the applicants was rendered, by the Commission December 2, 1902.

The testimony in this case shows that the applicants base their claim to identification on their descent from James McClure, through his son William McClure, Sr., through his son William McClure, Jr., it being claimed that James McClure, the principal applicant's great-grandfather, was a Choctaw Indian and a resident in Mississippi 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 does not appear on their records



saking 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 have never been enrolled as citizens of the Choctaw Nation. Their records show that there was a James McClure who was provided for under article 19 of the treaty as follows: "It is found that the name of one James McClure appears upon page 68 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Mashulatubbe's District in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek" and had land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of article nineteen of said treaty". The Commission also find the name of Wm. McClure among the nineteen article Indian as follows: "The name of Wm. McClure appears on page 72 of the above mentioned Volume and in a similar list to that aforesaid, and also on page 126 of the same reference in a list of claims allowed under the nineteenth article."

An examination of the records of this office has been made in reference to the names of James McClure and William McClure and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; nor does it appear that they were applicants under the 14th article but were provided for under article nineteen as above cited or at least parties by the name of

Names and the address were so provided for.

It is therefore, respectfully recommended that the decision of the Commission refusing to identify the applicants herein, be approved.

Very respectfully,

W. A. Jones,  
Commissioner.

S. T. G.

DEPARTMENT OF THE INTERIOR  
WASHINGTON,

JWP  
MR.

D. C. 17660  
ITD. 5058-1902.  
IRS.

June 28, 1903.

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

Gentlemen:

December 18, 1902, you transmitted the record in the consolidated case involving the application for identification as Mississippi Choctaws of Elizabeth Jane Roach (M. C. R. 5058), for herself; of Ida May Ellis for herself and minor child, Ethel Marie Ellis; of Sallie C. Jackson for herself and her eight minor children, James Lee, Henry Franklin, George Alfred, Cora Pearl, Ida Elizabeth, Ada, Katie and Eddie Miller Jackson; and of John L. Roach for himself, including your decision of December 2, 1902, denying said application.

The principal applicant in this case, through whom the others claim, was born in 1830, in Tennessee. Her degree of Choctaw blood is one-eighth. She obtained her Indian blood from her father, William McClure. The latter was the son of William McClure, Sr., who was the son of James McClure.

There is nothing in the testimony furnished by these applicants which warrent the conclusion that any of their ancestors ever complied or attempted to comply, in person or by proxy, in any way, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts of Congress relating thereto.

As to the records in your possession you report:

"It is found that the name of one James McClure appears upon page 68 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 land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of article nineteen of said treaty. The name of Wm. McClure (applicants claim that the name of principal applicant's father was William McClure) appears on Page 72 of the above mentioned Volume and in a similar list to that aforesaid, and also on page 126 of the same reference in a list of claims allowed under the nineteenth article. 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 article fourteen of the treaty of "Dancing Rabbit Creek."

Reporting in the matter June 10, 1903, the Commissioner of Indian Affairs stated:

"An examination of the records of this office has been made in reference to the names of James McClure and William McClure and it is discovered that their names do not

appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1825 nor does it appear that they were applicants under the 14th article but were provided for under article thirteen as above cited or at least parties by the name of James and W. McClure were as provided for."

The Department concurs in the Commissioner's recommendation that your decision be approved, and it is hereby affirmed. A copy of the Commissioner's letter is inclosed.

Respectfully,

(signed) E. A. HITCHCOCK,  
Secretary.

1 inclosure.

90

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

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

REFER IN REPLY TO THE FOLLOWING

M C R 5058

ALLISON L. AYLESWORTH,  
SECRETARY

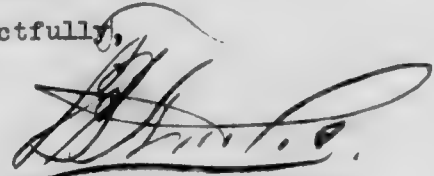
ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, July 14, 1903.

Elizabeth J. Roach,  
Sugden, Indian Territory.

Dear Madam:

You are hereby notified that on 20 day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Jane Roach et al., of which decision you were advised by registered mail on the 2nd day of December 1902.

Respectfully,



Commissioner in Charge.

COPY.

Muskogee, Indian Territory, July 14, 1903.

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

Gentlemen:

You are hereby notified that on the 20 day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Jane Roach et al., of which decision you were advised by mail on the second day of December 1902.

Respectfully,

GNED

*T. B. Noodles.*

Commissioner in Charge.

M C R 8058

COPY.

Muskogee, Indian Territory, July 14, 1903.

Francis A. Pierce,  
Attorney at law,  
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that on June 20, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Jane Roach et al., of which decision you were advised by registered mail on the second day of December 1902.

Respectfully,

(SIGNED)

*J. H. Needles.*  
Commissioner in charge.



Muskogee, Indian Territory, November 6, 1903.

Mrs. J. E. Roach,  
Powell, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 30th ultimo, by reference from Charles H. Sawyer. Therein you ask to be advised why you have not been "put on the roll."

In reply you are informed that it does not appear from our records that any person by the name of Mrs. J. E. Roach is an applicant to this Commission for enrollment as a citizen or freedman of either the Choctaw or Chickasaw Nations, or for identification as a Mississippi Choctaw.

Our records do show, however, that on April 2, 1902, at Muskogee, Indian Territory, Elizabeth J. Roach, seventy-one years of age, post office address Sugden, Indian Territory, made application to this Commission for identification as a Mississippi Choctaw. On December 2, 1902, the Commission rendered a decision refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Elizabeth J. Roach, et al., the applications of Ida May Ellis, et al., Sallie C. Jackson, et al., and John L. Roach, being included therein.

Elizabeth J. Roach, the principal applicant in this case,

Mrs J E R 2

was notified of the above mentioned decision at Sugden, Indian Territory, her last known post office address, and said letter was returned to this office marked "unclaimed."

On June 20, 1903, the Secretary of the Interior approved the decision of the Commission refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Elizabeth J. Roach, et al., of which departmental action the principal applicant was notified on July 14, 1903, at Sugden, Indian Territory, as this was the only address this applicant had ever given the Commission.

If you are the identical Elizabeth J. Roach herein mentioned, you are advised that the Commission considers this case closed and cannot receive or consider any further evidence in support thereof.

Respectfully,

Chairman.

REFER TO M. C. R.

James McClure

William McClure

William McClure 1/2

wife  
Martha D. McClure 2

mech  
Elizabeth Jane McClure 7/18  
married  
J. S. Roach, w.

Martha Roach, dead  
married  
R. H. Coggins

mech  
5191  
Sallie S. Roach, 41 1/16  
married  
J. H. Jackson, w.

mech  
5695  
John L. Roach 37 1/4  
wife  
Melissa Roach w.

Margaret E. Roach  
married  
Brock

mech  
5051  
Ida May Coggins 32  
married  
J. T. Ellis, w.

mech  
5194  
James Lee Jackson, 18  
Henry Franklin Jackson 16  
George Alford Jackson, 14  
Cora Pearl Jackson, 12  
Ida Elizabeth Jackson, 10  
Ada Jackson, 8  
Kate Jackson, 6  
Eddie Miller Jackson 1

mech  
5051  
Ethel Marie Ellis, 2

No. 5058

For Identification as a Mississippi Choctaw.

Date 2 1902

Name Elizabeth J. Roach,

Age 7 1/2 Blood 1/8

Post Office, Sugden, D. T.

Father: Wm McClure, d

Mother: Martha D., " d,

Claims through father,

Husband,  
J. S. Roach, w. l.

No claim for husband

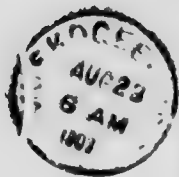
~~done~~

Claims for self  
alone.

Stenographer G. Rosenwirth



CO. ... SENIOR,  
...  
**FILE**  
AUG 25 1902



General Office MCK

Advising that Sec. of Int. has affirmed Commission's decision

Elizabeth J. Roach,

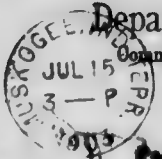
~~Secretary~~ Indian Territory.

Return to writer undelivered



Department of the Interior.  
Commission to the Five Civilized Tribes,  
Muskogee, Ind. Terr.  
Official designated  
Penalty for private use, \$300.

General Office MCA  
Addressing That Sec. of Int. has  
affirmed Commission's decision



Department of the Interior.

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

OFFICIAL BUSINESS

Penalty for private use, \$300.

Elizabeth J. Roach,

~~Post~~ Indian Territory.

Return to office unclaimed



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

**FILED**

APR 7 1903



CHAIRMAN

REGISTERED  
MAY 27 1903  
MUSKOGEE, IND. TER.

Department of the Interior.

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

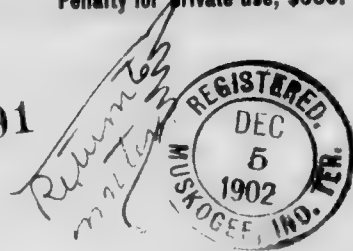
OFFICIAL BUSINESS.

Penalty for private use, \$300.

*Unclaimed.*



4491



Elizabeth J. Roach,

Sugden, Indian Territory.

Choctaw MCR 5059

Ida May Ellis

See MCR 5058

MCR 5059

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. April 2, 1902.

5059

In the matter of the application for identification as  
Mississippi Choctaws of Ida May Ellis for herself and her minor  
child, Ethel Marie Ellis.

Francis A. Pierce attorney for applicants; no appearance.

Ida May Ellis being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Ida May Ellis.  
Q What is your age? A Twenty-two.  
Q What is your post office address? A Sugden, Indian Territory.  
Q How long have you lived there? A One year.  
Q Where were you born? A In Arkansas.  
Q What place in Arkansas? A In Yell County, I don't know the  
post office.  
Q How long did you live in Arkansas? A Six months.  
Q Then you went where? A Texas.  
Q How long did you live in Texas? A Eighteen years I believe.  
Q Did you go from Texas to the Indian Territory? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A No, sir.  
Q What is your father's name? A R. H. Coggins.  
Q What was your mother's name? A Martha Coggins.  
Q You claim through which parent, father or mother? 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 Indian Terri-  
tory? A No, sir.  
Q Is your husband living? A No, sir.  
Q He is not living? A No, sir.  
Q Have you any children you want to make application for? A Yes,  
one.  
Q Was he the father of this child? A Yes, sir.  
Q What was his name? A J. T. Ellis.  
Q He was not an Indian? A No, sir; not an Indian.  
Q White man? A Yes, sir.  
Q What is the name of this child? A Ethel Marie.  
Q How old is she? A Two years last October.  
Q You claim for yourself and this child? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation  
in Indian Territory? A No, sir.  
Q Did you ever make 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 Dawes Commission for citizenship in the Choctaw  
Nation under the act of Congress of June 10, 1896? A No, sir.

- Q Have you ever been admitted to citizenship in the Choctaw 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 and for the identification of your child as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A I do.
- Q Do you understand that article of that treaty? A Why partly I do.
- Q You understand what a treaty is? A I don't know that I fully understand it.

A treaty is a compact between two or more Nations and differs from a contract in writing made between persons or individuals because it is made between Nations instead of individuals? A Yes, sir.

Such a treaty as that was made between the United States government and the Choctaw Indians in 1830 at a place called Dancing Rabbit Creek on the 27th day of September, in the state of Mississippi. The purpose of that treaty was to secure the removal of all the Choctaw Indians, who lived in the old Choctaw Nation 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 the interests of these Indians who elected to remain back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. The treaty was then signed with that article in it. The 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 You think you understand that, do you? A Yes, I read a treaty.
- Q Do you know whether any of your Choctaw ancestors complied at attempted to comply with the provisions of that article of that treaty? A No, sir; I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother.
- Q She claims through whom? A Through her father.
- Q His name was what? A William McClure

- Q Who is James McClure? A She had a brother by that name and it could be possible that it was her father; I don't know.
- Q Your grandmother testified that James McClure was the father of William McClure, who was her father; do you remember this James McClure? A No, sir.
- Q This would be your great great grandfather you don't remember about him? A No, sir.
- Q Do you know whether he or any of your Choctaw ancestors lived in Mississippi in 1830 and a family there then? A No, sir.
- Q You don't remember any Choctaw ancestor who did live in Mississippi? A No, sir; I don't remember anything about these McClures.
- Q Did you ever hear that any of them lived in Mississippi? A Yes, sir.
- Q You heard that in the family? A Yes, they all lived there.
- Q As a matter of family history and tradition? A Yes, sir.
- Q Did you ever hear that James McClure lived in Mississippi? A Yes, sir.
- Q In 1830? A I don't know how long it has been.
- Q Did he have a family when he lived in Mississippi? A I could not tell you.
- Q You don't know? A No, sir.
- Q How old would he be if living now? A I don't know sir.
- Q Did he always live in Mississippi? A I could not tell that.
- Q You don't know what years he lived there? A No, 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.
- Q Did any of them own any land 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.
- Q Did any of them own or claim any land under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A 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.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation Indian territory with the other Indians between 1833 and 1838? A I don't know whether they did or not.
- Q You claim through your mother Martha? A Yes, sir.
- Q What was her maiden name? A Reach.
- Q How old would she be if living now? A Fifty-nine.
- Q Where was she born? A I think she was born in Tennessee.
- Q She claims through her mother? A Yes, sir.
- Q Elizabeth Reach? A Yes, sir.
- Q She appeared to-day for identification? A Yes, sir.
- Q You want to have your case consolidated with hers? A Yes, sir.
- Q Now your grandmother Elizabeth Reach claimed through which parent father or mother? A Her father.
- Q William A. McClure? A Yes, sir.
- Q What was his father's name? A I don't know.
- Q What was his father's name? A James I guess.
- Q Who of all these people that you have named lived in Mississippi if any of them? A Why I don't know about that.

The Choctaw Indians who lived in Mississippi, remaining there 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 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 Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. The result of his failure to do so was that a good many Choctaw Indians who held land in Mississippi and Alabama, in the old Choctaw Nation, lost that land and the improvements upon it; both were taken from them by the government and sold. This caused a good many complaints among the Indians so that in 1837 Congress appointed a Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose 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? A I don't know whether they did or not.
- Q What is the name of your ancestor; you claim through James Mc Clure? A Yes, sir.
- Q Do you know whether he or any of your Choctaw ancestors received any scrip or certificates from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly held in the old Choctaw Nation and which the government had taken from them? A No, sir; I don't know.
- Q Have you any witnesses you want to call before the Commission in support of this claim? A No, sir; not now.
- Q Have you any evidence you want to introduce further? A No, sir.
- Q Would you care for a little time in which to introduce evidence? A Yes, sir.

A reasonable time will be allowed this applicant in which to furnish other evidence if she desires, in support of this application.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is there anything further you would like to say in support of this claim? A Nothing more than that we came here several years ago to have this business arranged and fixed up and the man, Mr. Holmes Willis he was going to work for us.
- Q Is he a lawyer? A Yes, sir.
- Q Where does he live? A Willis.
- Q Well he did not do anything about it? A No, sir; we never did get started up.
- Q You never did go before the Commission? A No, sir.
- Q Or before the Choctaw council? A No, sir.
- Q He simply neglected doing anything for you? A Yes, sir.
- Q This is the first application you have ever made? A Yes, sir.
- Q When did you give your matter into his hands at first? A About six years ago.
- Q What was his excuse for not doing anything for you? A I don't know that he gave any excuse at all.

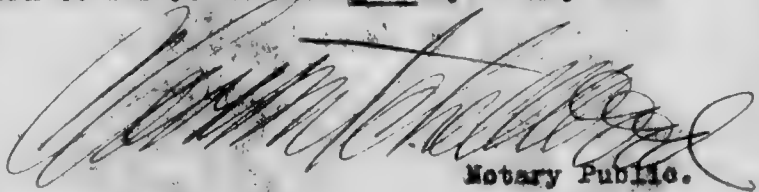
#1

This applicant has the appearance and physical characteristics of being descended from white parentage. Gray eyes; medium fair complexion; brown hair. She does not speak or 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 April 2, 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 April 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 3 day of May 1902.



Notary Public.



COPY

Muskogee, Indian Territory, December 2, 1902.

Ida May Ellis,  
Sugden, Indian Territory.

Dear Madam:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Jane Roach, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth Jane Roach,	M.C.R. 5058
Ida May Ellis, et al.,	" 5059
Sallie C. Jackson, et al.,	" 5191
John L. Roach,	" 5695

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Jane Roach, Ida May Ellis, Ethel Marie Ellis, Sallie C. Jackson, James Lee Jackson, Henry Franklin Jackson, George Alfred Jackson, Cera Pearl Jackson, Ida Elizabeth Jackson, Ada Jackson, Katie Jackson, Eddie Miller Jackson and John L. Roach as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of

-2-

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

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

Respectfully,

SIGNED

*Fame Pixby*  
Acting Chairman.

Registered.

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

ALLISON L. AYLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M C R 5059

90

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

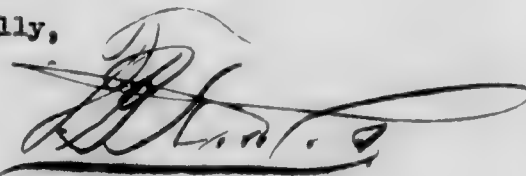
Muskogee, Indian Territory, July 14, 1903.

Ida May Ellis,  
Sugden, Indian Territory.

Dear Madam:

You are hereby notified that on June 20, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Jane Roach et al., of which decision you were advised by registered mail on the second day of December 1902.

Respectfully,

  
Commissioner in Charge.

5059



*File*

AUG 23 1903



General office

M.C.R.

Advising that Sec. of Int. has affirmed Commission's decision

Ida May Ellis,

~~Snyder~~, Indian Territory.

*Returned to writer unclaimed.*



Penalty for private use, \$300.

Department of the Interior  
Bureau of Land Management  
Muskogee, Ind. Ter.  
Official business.



General office

M.C.R.

Advising that Sec. of Int. has  
affirmed Commission's decision

Ida May Ellis,

~~Wagon~~, Indian Territory.

*Answered*  
Return to writer unclaimed.

Department of the Interior  
Commissioner to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.  
OFFICIAL BUSINESS.

Penalty for private use, \$300.



THE INTERIOR,  
TO THE FOREMAN OF THE BOARD,  
**FILED**  
**APR 7 1903**



CHAIRMAN

**REGISTERED**  
**MAR 27 1903**  
**MUSKOGEE, IND. TEN**

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Unclaimed

4490  
Return to  
noted



Ida May Ellis,

Sugden, Indian Territory.



No. 5059

For Identification as a Mississippi Choctaw.

Date APR 2 1902

Name *Ida May Ellis.*

Age *22* — Blood *1/32*

Post Office, *Sugden, I. T.*

Father: *R. H. Loggins, l.*

Mother: *Martha " d*

Claims through *mother*  
*Husband*  
*J. T. Ellis, w. d.*

---

Children:

*Ethel Marie Ellis, 2*

*Claims for self  
and child,*

Enographer *V. Rosenmire*

Choctaw MCR 5060

Lula Wright

See MCR 4977

MCR 5060

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 2, 1902.

5060

In the matter of the application for identification as Mississippi Choctaws of Lula Wright for herself and her two minor children, James Dewey and Mary Musett Wright.

G. E. Rider attorney appearing for applicants.

Lula Wright having been first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Lula Wright.  
Q What is your age? A Thirty-seven.  
Q What is your post office address? A Blevins, Falls County, Texas.  
Q How long have you lived at Blevins? A Nearly five years.  
Q Where were you born? A Commanche County.  
Q Did you live there until you went to Texas? A You all have that wrong it is not in this new Country but Commanche County Texas.  
Q Have you always lived in Texas? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A Andrew Jackson Ables.  
Q What is your mother's name? A Icy Ann Ables.  
Q I-c-y? A Yes, sir.  
Q She has been before the Commission has she? A Yes, sir.  
Q When did she appear to be identified as a Mississippi Choctaw?  
Q Some time in March, I don't remember what date it was.  
Q Last month? A Yes, sir.  
Q You claim through your mother then? A Yes, sir.  
Q How much Choctaw blood do you claim? A For myself.  
Q Yes sir? A One-eighth.  
Q Has your mother ever been recognized in any way or enrolled as member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I did not understand what you said.  
Q Has she ever been enrolled as a Choctaw Indian? A No, sir.  
Q Are you married? A Yes, sir.  
Q Your husband is living? A Yes, sir.  
Q What is his name? A James Merrideth Wright.  
Q You claim any Choctaw blood for him? A No, sir.  
Q He is white man? A Yes, sir.  
Q Have you any children you want to make application for? A I have two.  
Q What is the name of the eldest? A James Dewey Wright.  
Q How old is he? A He is three years old past.  
Q What is the name of the next child? A Mary Musett.

- Q How old? A Two years this coming June.
- Q She is one now? A Yes, sir.
- Q You claim for yourself and children do you? A Yes, sir.
- Q Is James M. Wright the father of these children? A Yes, sir.
- Q They live with you at your home? A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir; not before now.
- 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 Do you now come before the Commission to be identified and to identify your children under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A No, sir; I don't understand it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at Dancing Rabbit Creek in the state of Mississippi on September 27th 1830. The object of that treaty was to remove as far as possible, the Choctaw Indians who lived in the old Choctaw Nation, East of the Mississippi River, to the Choctaw Nation Indian Territory. A good many Choctaw Indians refused to go to the Choctaw Nation Indian Territory, and before the treaty was signed an article was drafted and put into the treaty providing for these Choctaws who resided back in the old Choctaw Nation after that treaty was signed and ratified. That article was called article fourteen and 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 Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A A I did not understand?
- Q Did any of your ancestors comply with that article; do these things that are stated in this article that I read to you? A No, sir.
- Q You don't know whether they did or not? A No, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Who I

- claim under?
- Q Yes? A I claim under my mother.
- Q Go back as far as you can? A Well my grandfather
- Q What is his name? A William Simmons.
- Q Grandfather? A Yes, sir.
- Q Did he live in Mississippi in 1830? A They always told me he used to live there.
- Q You know whereabouts in Mississippi he lived? A No, sir,
- Q Did he have a family of children there then? A I don't know whether he did or not.
- Q Don't know whether he had a family there then? A No, sir.
- Q Did you ever hear that any of your Choctaw ancestors lived in the old Choctaw Nation and were heads of families there then, in 1830; have you heard it in the family? A I never heard; I don't think they said anything about him being the head of a family but they said he was enrolled.
- Q Enrolled where? A In Mississippi.
- Q As a member of the Choctaw tribe of Indians? A Yes, sir.
- Q You know upon what roll his name appears? A No, sir; I don't know.
- Q Who told you that your grandfather William Simmons was enrolled as a Choctaw Indian? A I heard my grandmother say.
- Q That was William Simmons' wife? A Yes, sir.
- Q What was her name? A Lucretia Simmons.
- Q Is she living now? A Yes, sir.
- Q How old is she? A Somewhere about ninety.
- Q Where does she live? A Madill, Indian Territory.
- Q Was she William Simmons' first or second wife? A I heard them speak of another woman that he lived with but I don't know whether it was his wife or not.
- Q What did she ever tell you, if anything, about her husband William Simmons having lived in Mississippi in 1830 and having a family of children there at that time and having gone to the United States Indian Agent within six months after the ratification of the treaty of 1830 and having told him that he wanted to stay in Mississippi, take land there and become a citizen of the United States; do you remember? A Well she did not tell me anything about that; she just told me that he was enrolled there as a Choctaw.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A None but my grandfather.
- Q Did he? A Yes, sir.
- Q Did he own land in Mississippi under article fourteen of the treaty of 1830? A I think that he did; I think they told me he did.
- Q Who told you that he did? A My grandmother.
- Qx Lucretia Simmons? A Yes, sir.
- Q You know where that land was located? A No, sir.
- Q You know what became of it? A No, sir.
- Q Do you know whether any patent was issued to your grandfather for that land by the government? A No, sir; I don't know.
- Q You never saw or heard of that patent? A No, sir.
- Q Did any of your Choctaw ancestors claim any land or own any in the old Choctaw Nation under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No, sir; not that I know of.
- Q Do you know whether William Simmons' name appears upon any roll or list of Choctaw Indian claimants who claimed under article 19th of the treaty of 1830? A I don't know.

#4

- Q Did any of your Choctaw ancestors claim any land or own any in Mississippi or Alabama in the old Choctaw Nation under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830; now I am talking about any other treaty than the treaty of 1830? A Not that I know of.

On page 637, volume 7, American State Papers, in a deposition signed by one James Standley, appears the name of one William Simmons. In this deposition James Standley states that he went in Company with William Simmons to the Agency of Ward, William Ward, for the purpose of registering under the fourteenth article of the treaty of 1830 and that at that time certain things were said and certain things were done.

- Q Do you know if this is the William Simmons whom you claim to be your grandfather? A I don't know that it is the same one but that is the name.
- Q But you don't know that this is the same one? A No, sir.
- Q Did you ever hear that your grandfather William Simmons went before Colonel Ward in 1831 or any time after that date and tried to obtain his rights under article fourteen of the treaty of 1830? A I don't know whether I did or not.
- Q You are not able to identify your grandfather with this William Simmons then? A No, sir.

The Choctaw Indians who stayed back 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, at his agency in Mississippi within six months after 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 place upon his list known as Ward's register. His neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both; for both were 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 went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose by Congress 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 go before either of these two Commissions and claim benefits as Choctaw Indians under that article? A Not that I know of.

The act of Congress of August 23rd 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 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 him. These certificates were called scrip.

#5

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A Not that I knew of.
- Q Do you want to have you case consolidated with the case of Icy Ann Ables, your mother? A Yes, sir.
- Q And other relatives who have appeared before the Commission? A Yes, sir.
- Q Have you any documentary or any other kind of evidence you want to introduce in support of this application? A

By attorney Rider.

No, sir; not now, but we will ask for time in which to introduce evidence of the marriage between this applicant and her husband also the deposition of Lucretia Simmons.

By the Commission.

A reasonable time will be allowed this applicant on motion of Mr. Rider, her attorney, for the introduction of any proper evidence in support of this application.

Examination by attorney Rider.

- Q Did you ever hear your grandmother say at any time when you lived therewith her at home what the name of that woman you spoke about a little while ago was, that he formerly lived with in Mississippi? A Her name was Foster.

We would also like to have the deposition number 11, page 637, American State Papers, being the deposition of James Standley of the 27th day of November 1834, introduced in evidence in this case.

By the Commission.

- Q You don't speak or understand the Choctaw language? A No, sir

This applicant has the appearance and physical characteristics of being descended from white parentage; medium fair complexion; black eyes; brown hair. She 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 April 2, 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 April 1902.

Subscribed and sworn to before me this 3 day of May 1902,

*G. Rosenwinkel*  
*[Signature]*  
Notary Public.

M C R 5060

Muskogee, Indian Territory, March 24, 1903.

Lula Wright,  
Blevins, Texas.

Dear Madam:

Receipt is hereby acknowledged of the affidavits of the mother, Lula Wright, and that of the attending physician, J. W. Wills, relative to the birth of Loy Ann Wright, November 13, 1902, and the same have been filed with the records of the Commission.

Respectfully,

Chairman.



COPY,

M.C.R. 5060

Muskogee, Indian Territory, April 29, 1903

Lula Wright,  
Blevins, Texas.

Dear Madam:

You are hereby advised that on the 29th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Icy Ann Ables, et al., embracing the following applications for identification as Mississippi Choctaws:

Icy Ann Ables, et al.,	M.C.R. 4977
Lula Wright, et al.,	M.C.R. 5060
William M. Ables, et al.,	M.C.R. 4980
Mary J. Warrock, et al.,	M.C.R. 4981
Sarah Ann Holt, et al.,	M.C.R. 4982
John Thomas Ables, et al.	M.C.R. 4976
James A. Ables,	M.C.R. 4983
Joseph Edward Ables,	M.C.R. 4993
Robert Ables, et al.,	M.C.R. 4994
Ellen Carnes, et al.,	M.C.R. 4978
Josie B. Glenn, et al.,	M.C.R. 4979

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 Icy Ann Ables, Andrew Jackson Ables, Jr., George Washington Ables, Leonard Ables, Leota Ables, Lula Wright, James Dewey Wright, Mary Musett Wright, William M. Ables, Jesse B. Ables, William Lloyd Ables, Lillian Ables, Bertha Ables, William Monroe Ables, Mary J. Warrock, Willie May Warrock, Vera Ann Warrock, Lula Jewell Warrock, S. Gouldy Warrock, Sarah Ann Holt, Walter Andrew Holt, Opal May Holt, J. C. Holt, John Thomas Ables, Luther Ables, Arthur Ables, Annie Ables, Lula Jewel Ables, James A. Ables, Joseph Edward Ables, Robert Ables, John Lewis Ables, Ellen Carnes, Auther May Carnes, Ida Belle Carnes, Valeria N. Carnes, William Edward Carnes, Joseph Ernest Carnes, Luellen Carnes, Wiley Carnes, Dovie Carnes, Josie B. Glenn, Lee G. Glenn, Hessie K. Glenn, Josie B. Glenn (2) Edith E. Glenn and William Lewis Glenn, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

SIGNED:

*Tame Bixby*

Chairman.

Registered.

M C R 5050

Muskogee, Indian territory, January 6, 1905.

Lula Wright,  
Blevins, Texas.

Dear Madam:

You are hereby notified that in accordance with instructions contained in a letter from the Secretary of the Interior, under date of December 30, 1904, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian territory, on Friday, January 20, 1905, at nine o'clock A. M., hear the testimony of Thomas Sandwith Ashley, of Madill, Indian Territory, whose testimony your attorneys have heretofore petitioned the Secretary of the Interior to receive in support of the consolidated Mississippi Choctaw case of Ioy Ann Ables, et al.

Respectfully,

Chairman.

M C R 5060

COPY.

Muskogee, Indian Territory, March 14, 1906.

Lula Wright,  
Blevins, Texas.

Madam:

You are hereby notified that the Secretary of the Interior, on February 26, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of April 29, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al., of which the application for the identification of yourself and minor children is a part.

Respectfully,

SIGNED *Wm. O. Beall.*  
Acting Commissioner.

COPY

MCR-5000

Muskogee, Indian Territory, January 19, 1907.

Lula Wright,  
Blevins. Texas.

Dear Madam:-

You are hereby notified that on January 11, 1907, the Secretary of the Interior denied a motion, filed March 27, 1906, by W. W. Wright and Chester Howe, attorneys at law, Washington, D. C., for review of Departmental decision of February 26, 1906, refusing to identify as Mississippi Choctaw the several applicants in the consolidated case of Icy Ann Ables et al., of which the application for the identification of yourself and children is a part.

Respectfully,

SIGNED

*James Bixby.*

Commissioner.

5060

IN RE

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.  
INFANT CHILD

*Jey Am Bright*

as a citizen of

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW. Nation.

Approved

100

Commissoner.

1000

3 3 90

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Mississippi Choctaw Nation,  
 of Icy Ann Wright (Here insert name of child) born on the 13 day of Nov, 1902  
 Name of Father: James M. Wright a citizen of the United States Nation.  
 Name of Mother: Lula Wright a citizen of the Mississippi Choctaw Nation.  
 Post-office: Blevins Falls Co. Tex.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY. }

District. }

I, Lula Wright, on oath state that I am Twenty Eight  
 years of age and a citizen, by Birth of the Mississippi Choctaw Nation;  
 that I am the lawful wife of James M. Wright, who is a citizen, by  
Birth of the United States Nation; that a Female child was  
 (Male or female)  
 born to me on 13 day of Nov, 1902 that said child has been named  
Icy Ann Wright, and is now living.

WITNESSES TO MARK:

Lula Wright

Must be Two Witnesses.

Subscribed and sworn to before me this 17 day of March, 1903.

W. A. Martin, J. P. and  
ex officio Notary Public  
 NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY. }

District. }

I, J. N. Mills, a Physician, on oath state that I at-  
 tended on Mrs. Lula Wright, wife of James M. Wright  
 on the 13 day of Nov, 1902 that there was born to her on said  
 date a female child; that said child is now living and is said to have been named  
 (MALE OR FEMALE)  
Icy Ann Wright

WITNESSES TO MARK:

J. N. Mills M.D.

Must be Two Witnesses.

Subscribed and sworn to before me this 17 day of March, 1903.

W. A. Martin  
J. P. and ex officio  
 NOTARY PUBLIC.

Date APR 2 1902

Name Lula Wright

Age 27 - Blood '18

Post Office, Blevins, Texas.

Father: Andrew J. Ables, l.

Mother: Ley Ann " l.

Claims through mother.

Husband James M. Wright, l. w.

No claim for husband.

Children:

James M. Wright, 3

Mary M. " 1

Claims for self and children.

Stenographer G. Rosemire



Choctaw MCR 5061

Eulalia Robinson

See MCR 4460

MCR 5061

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 2, 1902.

5061,

In the matter of the application for identification as Mississippi Choctaws of Eulalia Robinson for herself and her two minor children, Blass and Nevada Robinson.

Applicant not represented by attorney.

Eulalia Robinson being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Eulalia Robinson.  
Q What is your age? A Twenty.  
Q What is your post office address? A Wynnewood.  
Q Indian Territory? A Yes, sir.  
Q How long have you lived there? A About four months.  
Q Where did you live before you lived at Wynnewood? A Texas.  
Q Where were you born? A Texas.  
Q Always live in Texas? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A William Hunter.  
Q What is your mother's name? A Amanda Hunter.  
Q You claim your Choctaw blood through which parent, father or mother? A My mother.  
Q How much do you claim? A She is one-half, and I don't know how much I claim.  
Q You claim one-half of that don't you? A Yes, sir.  
Q You claim one-quarter then don't you? A Yes, sir.  
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory; never has been enrolled as a Choctaw Indian has she? A Yes, sir.  
Q She has been enrolled as a Choctaw Indian? A Yes, she was up here in January I think.  
Q She made application to be identified as a Mississippi Choctaw did she not; she never has been enrolled has she? A No, sir.  
Q Are you married? A Yes, sir.  
Q Is your husband living? A Yes, sir.  
Q What is he a white man or Negro? A Negro.  
Q What is his name? A Bud Robinson.  
Q You make no claim for him do you? A No, sir.  
Q Have you any children that you want to make application for? A Two.  
Q What is the name of the oldest? A Blass.  
Q Spell it? A B-l-a-s-s.  
Q Blass Robinson? A Yes, sir.  
Q How old? A Three years old.  
Q What is the name of the next? A Nevada.  
Q Girl? A Yes, sir.

- Q Is Blass a boy? A Yes, sir.  
 Q How old is Nevada? A Nineteen months old.  
 Q You make application for yourself and these two children? A Yes, sir.  
 Q Is Bud Robinson the father of these two children? A Yes, sir.  
 Q You are the mother? A Yes, sir.  
 Q They live with you at your home? A Yes, sir.  
 Q Were you ever married before you married your husband? A No, sir.  
 Q Was he ever married before he married you? A I think he was.  
 Q You don't know? A I think he has been married before.  
 Q Do you know? A I am not certain but I think I heard him say he had been married once before.  
 Q He has no children by that first marriage? A He says he has got three.  
 Q You don't make application for them? A No, sir.  
 Q These children claim through you? A Yes, sir.  
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
 Q 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.  
 Q Do you now come before the Commission to be identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes, sir.  
 Q Do you understand that article of that treaty; do you understand it? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi and was made on the 27th day of September 1830. The object of that treaty was to remove all of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama 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 signed and afterwards ratified, it reads as follows:

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

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

- Q You understand that do you not? A Yes, sir.
- Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article of that treaty; did they do any of these things that were stated in this article? 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 Amanda Hunter.
- Q I mean your ancestor further back? A Julia White.
- Q What relation are you to her? A I am her grand daughter.
- Q She was your grandmother? A Yes, sir.
- Q How much Choctaw blood did she have? A She was a full blood.
- Q How do you know she was a full blood? A I heard mama say she was.
- Q Did she live in Mississippi in 1830; seventy-two years ago? A Lived in Mississippi?
- Q Yes? A I don't know; I think I heard mama say she did.
- Q Do you know where she lived in Mississippi at that time? A No, sir.
- Q What place? A No, answer.
- Q Did she have children there at that time? was she the head of a family there at that time, in Mississippi? A I don't know.
- Q Do you know whether she claimed through her father or mother? A I don't know sir.
- Q Where was she born? A My grandmother?
- Q Julia White, where was she born? A I suppose she was born in Mississippi.
- Q Where did she die? A I don't know.
- Q How old would she be if living now? A I guess sixty or seventy, I don't know I never heard him say.
- Q You don't know anything about it? A No, sir.
- Q She might be ninety years old so far as you know? A Yes, sir.
- Q Was your father a slave at any time? A No, sir.
- Q Was your mother? A No, sir.
- Q Was your husband? A No, sir.
- Q Was Julia White ever a slave? A No, sir.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A My great great grandfather did.
- Q What was his name? A Ambrose White.
- Q Was he the father of Julia White? A He was the father of Annie Gilbert.
- Q How was he related to Julia White? A His daughter.
- Q She was his daughter was she? A Yes, sir.
- Q Did he live in Mississippi in 1830? A Yes, sir.
- Q Did he have a family there then? A I don't know sir.
- Q Did any of your Choctaw ancestors as far as you know own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.
- 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 sir.

#4

- 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 or forty? A I don't know sir.
- Q Did any of them claim any benefits in lands or any other way in Mississippi or Alabama under article fourteen of the treaty of 1830? A The way my mother says that my great grandfather had land, ---my great-great grandfather, had land.
- Q What was his name? A Ambrose White.
- Q Where did he get that land? A I don't know I just heard her say that her great grandfather owned land.
- Q Did he get it from the government? A I don't know.
- Q Did he get it under article fourteen of the treaty of 1830 or under article nineteen of the treaty? A I don't know.
- Q Did he get it under the supplement of that treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any benefits under any other article of the treaty of 1830 than article fourteen or under the supplementary articles of that treaty? A I don't know sir.

The Choctaw Indians who stayed who stayed in Mississippi after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen 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 Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both, for they were both taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 by act approved March 3rd of that year, Congress appointed a Commission. This Commission went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 by act approved August 23rd of that year Congress appointed another Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors to your knowledge go before either the Commission of 1837 or the Commission of 1842 and claim benefits as Choctaw Indians under article fourteen of that treaty? 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, 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 he should receive a certificate to that effect called scrip from the government.

- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians which entitled them to select land; did you ever hear? A No, sir.
- Q Have you had any relatives who have appeared before this Commission to be identified as Mississippi Choctaws? A Yes, sir.

#5

- Q Who has been here before you? A My mother.  
Q What is her name? A Amanda Hunter.  
Q When did she appear before the Commission? A About the first or second of January.

Reference is here made to Manda Hunter, M.C.R. 4460.

- Q Have you had any other relatives who have been before the Commission to be identified besides your mother? A No, sir.  
Q You want to introduce this marriage license? A Yes, sir.

The marriage license of Bud Robinson and Elalia Hunter presented by this applicant, received, filed, marked exhibit "A" and made a part of the record in this case.

Also the sworn statement of Amanda Hunter presented by this applicant, received, filed, marked exhibit "B" and made a part of the record in this case.

- Q Have you any other evidence that you want to introduce now in support of this case; any further evidence of any kind? A No, sir.  
Q Have you any witnesses you want to call in support of your application? A No, sir.  
Q Do you want any time in which to introduce further testimony or not? A No, sir.

A reasonable time will be allowed this applicant in which to present further testimony in support of this application if she desires.

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

This applicant has the appearance and physical characteristics of being descended from Negro parentage; she claims one-quarter Choctaw blood; in the opinion of the Commission her physical appearance is such as to indicate her Negro parentage. 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 April 2, 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 April 1902.

Subscribed and sworn to before me this 3 day of May 1902.

  
Notary Public.

Miss. Choctaw 8061.

Muskogee, Indian Territory, June 2, 1902.

Malalia Robinson,  
Wynnewood, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of May 28, in which you state that you appeared before the Commission on April 2 or 3, and filed your marriage license and the affidavit of Amanda Hunter your mother, but since that date you have not heard from the Commission.

In reply to your letter you are advised that it appears from our records that on April 2, 1902, Malalia Robinson, twenty years old, of Wynnewood, Indian Territory, appeared before the Commission at Muskogee, Indian Territory, and made application for the identification of herself and her two minor children as Mississippi Choctaws. No decision has yet been reached nor opinion rendered relative to your rights as a Mississippi Choctaw. As soon as a decision is reached you will be notified of the action of the Commission.

Yours truly,

Acting Chairman.

COPY.

M. C. R. 5061

Muskogee, Indian Territory, December 2, 1902.

Eulalia Robinson,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that on the 2d day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Manda Hunter, et al., embracing the following applications for identification as Mississippi Choctaws:

Manda Hunter, et al.,	M. C. R. 4460
Eulalia Robinson, et al.,	M. C. R. 5061
Fannie Williams, et al.,	M. C. R. 4461

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 Manda Hunter, Bettie Hunter, Charlie Hunter, Eulalia Robinson, Blass Robinson, Nevada Robinson, Fannie Williams, Dennis Williams and Joyce Williams as Choctaw



E. R. E.

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

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

Respectfully,

SIGNED

*Jams Bixby.*  
Acting Chairman.

Registered.

M. C. R. 5061.

COPY.

Muskogee, Indian Territory, July 17, 1903.

Hulalia Robinson,  
Wynnewood, Indian Territory.

Dear Madam:-

You are hereby notified that on the 20th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Manda Hunter et al., of which decision you were advised by registered mail on the 2nd day of December, 1902.

Respectfully,

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

For Identification as a Mississippi Choctaw.

Date APR 2 1902

Name Eulalia Robinson

Age 20 - Blood 1/4

Post Office, Wynnewood, D. T.

Father: William Hunter, C.

Mother: Amanda .. C.

Claims through Mother.

~~Husband~~  
Bud Robinson, C. neg.

No claim for husband

Children:

~~Blair~~

Blair Robinson (M.) 3,  
Nevada (T.) 19 m.

Claims for self &  
2 children

Stenographer G. Roanman

Choctaw MCR 5062

Mary Cochran

MCR 5062

DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes.

In the matter of the application of Mary Cochran, et al.,  
for identification as Mississippi Choctaws, M. C. R. 5062.

I N D E X

	page
Original application of Mary Cochran, et al., before the Dawes Commission for identification as Missis- sippi Choctaws, - - - - -	1
Decision of the Commission refusing the application of Mary Cochran, et al., for identification as Mississippi Choctaws	2

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 2, 1902.

3062

In the matter of the application for identification as Mississippi Choctaws of Mary Cochran for herself and her four minor children, Critty, Oges, Dora and Octavia Cochran.

Applicants not represented by attorney.

Mary Cochran being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Mary Cochran.  
Q How old are you? A I am about thirty-five years old.  
Q What is your post office address? A Wynnewood.  
Q Indian Territory? A Yes, sir.  
Q How long have you lived there? A I have been there about thirteen years I guess.  
Q Where were you born? A In Mississippi.  
Q You left Mississippi when how old? A I was small when I left there; I was about seven or eight years old.  
Q You went from there where? A Texas.  
Q You lived in Texas how long? A I lived in Texas, well I don't remember how long but I went from Texas to Louisiana.  
Q You lived there how long? A About twenty years.  
Q From Louisiana you went where? A Indian Territory.  
Q Lived there about how long? A Thirteen years.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A Thomas.  
Q Thomas what? A Henderson.  
Q What was your mother's name? A Dilzie.  
Q You claim through which parent father or mother? A Mother.  
Q How much Choctaw blood do you claim? A I claim one-quarter.  
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as such by the Choctawtribal authorities in Indian Territory or by the United States authorities? A No, sir not that I know of.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A Van Cochran.  
Q Is he a white man or Negro? A He is a Negro.  
Q You make no claim for him as an Indian? A No, sir.  
Q Have you any children you want to make application for? A Yes, I have four.  
Q What is the name of the oldest? A Critty Cochran.  
Q What is the name of the next? A Oges.  
Q How do you spell that? A I don't know.  
Q Boy? A Yes, sir.  
Q How old is he? A Eight years old.  
Q Is Critty a girl? A Yes, sir.  
Q What is the name of the next? A Dora.  
Q Girl? A Yes, sir.  
Q How old is Dora? A Thirteen years old.

- Q Is she a twin with Critty? A Did I say Critty was thirteen?  
 Q Yes? A Well she must be about fourteen. There is a difference in these girls' age.  
 Q How old is Dora? A Fourteen.  
 Q How old is Critty? A Thirteen.  
 Q Oges is how old? A Eight.  
 Q Now the next? A Yes, sir.  
 Q What is the name of the next? A Octavia.  
 Q How old is Octavia? A Six.  
 Q That is a girl? A Yes, sir.  
 Q Is Van Cochran the father of these children? A Yes, sir.  
 Q You are the mother? A Yes, sir.  
 Q Were either you or your husband married before you married each other? A No, sir.  
 Q Are these children living with you at your home? A Yes, sir.  
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory or the names of any of your children? 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 to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.  
 Q Have you ever 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 to identify yourself and these 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 No, sir; I don't understand it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September 1830 and was made for the purpose of removing all the Choctaw Indians who lived in the old 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 article fourteen was put into the treaty of 1830. The treaty 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 a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by section lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside on said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever

remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A Yes, sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that treaty do you know? A No, sir; I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A I claim through my grandmother.
- Q What was her name? A Lucy Christian.
- Q What relation is Eulalia Robinson to you? A She is not any.
- Q You claim through whom? A I claim through Lucy Christian.
- Q How much Choctaw blood did she have? A She claimed to have one-half.
- Q Did she live in Mississippi in 1830? A Yes, sir.
- Q Did she have a family there then; was she the head of a family there at that time? A I don't know sir.
- Q Did she claim through her father or mother? A She claimed through her mother I reckon; I don't know sir; I never did see her, I heard my mother talk about her.
- Q Was Lucy Christian her married name? A Yes, sir.
- Q What was her husband's name? A William Christian.
- Q He was a white man or negro which; William Christian? A I don't know whether he was a white man or black man.
- Q Were either of them slaves before the War? A No, sir.
- Q Was Thomas Henderson a slave? A No, sir.
- Q Was his wife Dilsie your mother a slave? A I don't know sir; No, sir; she was not a slave.
- Q You claim Choctaw blood through your mother? A Yes, sir.
- Q How much Choctaw blood did she have? A She claimed one-half.
- Q And she claimed through whom, her father or mother? A Her mother.
- Q Lucy Christian? A Yes, sir.
- Q You say she had one-half? A My grandmother claimed full blood and my mother one-half and I one-quarter.
- Q Lucy Christian was a full blood then? A Yes, sir.
- Q How old would Lucy Christian be if living now? A I suppose she would be One-hundred years old or somewhere along there.
- Q Was she born in Mississippi? A I was born in Mississippi and my mother was and I think my grandmother was born in North Carolina.
- Q Did she go from there to Mississippi? A Yes, sir.
- Q How did it happen that your mother a full blood Choctaw Indian was born in North Carolina? A I don't know sir.
- Q Did she marry a colored man William Christian? A I don't know sir what color he was; I have not seen him.
- Q Did you ever hear? A No, sir; my mother was just telling me about my grandmother.
- Q You never heard whether William Christian was colored or white? A No, sir.
- Q Was he a slave? A No, sir.
- Q How do you know? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? 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 go from that old Choctaw Nation East of the Mississippi River 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 own any land or claim any in Mississippi or Alabama either under article fourteen of the treaty of 1830 or under article nineteen of that treaty or under the supplement of that treaty; did you ever hear? A I don't know 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; did you ever hear? A No, sir.
- Q The Choctaw Indians who stayed in Mississippi and Alabama in the old Choctaw Nation 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 this 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. His failure to do this caused a good many Indians who had land in Mississippi upon which they had improvements, to lose both, both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837, by act approved March 3rd of that year Congress appointed a Commission which 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 23rd of that year and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830. Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A I don't know sir.
- 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 Dancing Rabbit Creek and if it was also shown that he had formerly had land 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 to him. These certificates were called scrip. 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 appeared before this Commission to be identified as Mississippi Choctaws? A No, sir.
- Q Have you any evidence you want to introduce now in support of your claim? A No, sir.
- Q You care for any time in which to introduce evidence? A I can get them.

A Reasonable time is allowed this applicant for the introduction of further testimony.

#5

- Q Do you speak the Choctaw language? A No, sir.  
Q Do you know whether you have any white blood at all? A No, sir; I don't know if I have any at all.  
Q Ever hear you did? A No, sir.  
Q But you think you have Negro blood? A I don't know what kind I have.  
Q You have no Choctaw? A I got some Indian in me.  
Q How do you know? A I think I ought to have some.  
Q If you know that you got Indian don't you know that you got Negro too? A Yes, it is all mixed up.  
Q You have got more Indian than Negro blood have you not? A I could not say.  
Q You have no white? A No, sir.  
Q You have got negro and Indian? A Yes, sir.  
Q Now you said you had one-quarter Choctaw then you must have three quarters Negro? A I told you I don't know.  
Q Well you don't know that you have got one-quarter Indian then do you? A I don't know what side it come from.

This applicant has the appearance and physical characteristics of being descended from Negro parentage. She does not know how much Choctaw blood she has if any. She appears to be a Negro; she 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 April 2, 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 April 1902.

Subscribed and sworn to before me this 3 day of May 1902.

*G. Rosenwinkel*  
  
Notary Public.

*Y.A.L.  
C.W.*

COPY,

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

-----

In the matter of the application of Mary Cochran, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5062.

--- 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 Cochran for herself and her four minor children, Dora, Critty, Oges and Octavia Cochran, 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 Lucy Christian, who is alleged to have been either a full

blood or a half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said 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 Lucy Christian, 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., 313).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Cochran, Dora Cochran, Critty Cochran, Ogee Cochran and Octavia

-3-

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

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tams Bixby

ACTING COMMISSIONER.

(SIGNED)

T. B. Needles

COMMISSIONER.

(SIGNED)

C. R. Breckinridge

COMMISSIONER.

Waukegan, Indian Territory.

DEC 5 1902

COPY

M.C.R. 8062

Muskogee, Indian Territory, December 5, 1902.

Manfield, 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 Mary Cochran, 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 Mary Cochran, Dora Cochran, Critty Cochran, Oges Cochran and Octavia Cochran as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

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

Respectfully,

SIGNED:

*Jams Bixby.*

Acting Chairman.

COPY.

N.C.R. 5082

Muskogee, Indian Territory, December 5, 1902.

Mary Cochran,

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 Mary Cochran, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496), which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Cochran, Dora Cochran, Gritty Cochran, Oges Cochran and Octavia Cochran as Choctaw Indians entitled 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

Mary Cochran - 2

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

Respectfully,

(SIGNED)

*James Bixby.*

Acting Chairman.

Registered.



COPY.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,  
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mary Cochran, 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.

*Tamo Dick*  
Acting Chairman.

Enc. M.S.R. 5062

Land.  
76220-1903.

C O P Y.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 3, 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 Mary Cochran, for herself and her four minor children, Dora, Critty, Oges and Octavia Cochran, 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 Lucy Christian, who it is alleged was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of ~~making~~ making of the Choctaw treaty of 1830, through her daughter Delsie Henderson, the principal applicant's mother.

The Commission rejected the applicants December 5, 1902, because the name of their ancestor through whom they claim does not appear among those who complied or attempted to comply with the provisions of the 14th article of the said treaty of 1830;

and for additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Lucy Christian and Delsie Henderson, 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 the said treaty; neither does it appear that they applied to the commissions appointed to adjudicate the claims of those having rights as Choctaw Indians.

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

Very respectfully,

(A.C. TONNER,

Acting Commissioner.

C. C. (E)

D.C. 8999-1903.  
I.T.D. 2586-1903.  
L.R.S.

C O P Y.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

March 27, 1903.

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

Gentlemen:

December 22, 1902, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Mary Cochran (M.C.R 5062), for herself and her four minor children, Dora, Critty, Oges and Octavia Cochran, including your decision of December 5, 1902, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Lucy Christian, who is alleged to have been either a full blood or an half blood Choctaw Indian, and to have resided in Mississippi in 1830.

The records fail to show that said applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestor ever complied or attempted to comply with the said article 14 of the treaty of 1830, or with the subsequent acts relating thereto.

Reporting in the letter March 3, 1966, 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 accordingly affirmed.

Respectfully,

THOS HYAN,  
Acting Secretary.

1 inclosure.

H.O.N. 5062.

COPY.

Muskogee, Indian Territory, April 6, 1903.

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

Gentlemen:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Mary Cochran et al., of which decision you were advised by mail on the 5th day of December, 1902.

Respectfully,

(SIGNED)

*C. B. Breckinridge*  
Commissioner in Charge.

N.C.R. 8062.

COPY.

Muskogee, Indian Territory, April 6, 1903.

Mary Cochran,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Chactaws, of the several persons included in the name of Mary Cochran, et al., of which decision you were advised by registered mail on the 5th day of December, 1902.

Respectfully,

(SIGNED)

*C. R. Breckinridge.*  
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date APR 2 1902

Name Mary Cochran;

Age 35,

Blood

~~1/4~~ 1/4

Post Office, Wymewood, D. T.

Father: Thomas Henderson.

Mother: Willie .. d

Claims through mother

husband.

Vari Cochran, l. neg.

No claim for husband.

Children:

Betty Cochran. (F.) 13

Oges .. (M.) 8

Keora .. (F.) 14

Octavia .. (F.) 6

Claims for self &  
children -

Stenographer G. Rosenmire



Choctaw MCR 5063

Frances O. Vollentine

See MCR 2857

MCR 5063

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 2, 1902.

5063

In the matter of the application for identification as Mississippi Chestaws of Frances O. Vellentine for herself and her four minor children, Alice A., Edgar O., Mattie L., and Ernest E. Vellentine.

A. Telle, attorney appearing for applicants.

Frances O. Vellentine being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Frances O. Vellentine. (V-o-l-l-e-n-t-i-n-e)  
Q What is your age? A Thirty-four.  
Q What is your post office address? A I can't give it to you at present. You can notify Mr. Telle anything you want to hear from us, he will notify us.

By attorney Telle.

The circumstances are this? They moved up here and some of their folks died and they are unsettled as to whether they will move back or remain here.

By the Commission.

- Q Where were you born? A In Texas.  
Q How long did you live in Texas? A Born and raised there.  
Q How long did you live there? A Until I came to Atoka, four weeks ago.  
Q Where did you go to then? A To Atoka, Indian Territory.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A No, sir; she is past gone.  
Q What was your father's name? A T. F. Tyler.  
Q What was your mother's name? A Tempie L. Blakeley.  
Q Through whom do you claim your Chestaw blood? A Through my mother.  
Q How much Chestaw blood do you claim? A I claim one-eighth.  
Q Has your mother ever been recognized as a Chestaw Indian or enrolled as such by the Chestaw tribal authorities or the United authorities in Indian Territory? A No, sir; she has not.  
Q Is your husband living? A Yes, sir.  
Q What is his name? A Charles H. Vellentine.  
Q Is he a Chestaw Indian or is he a white man? A He is a white man.  
Q You make no claim for him? A No, sir; none at all.  
Q How many children have you that you want to make application for? A Four under age.  
Q What is the name of the eldest? A Alice A. Vellentine.  
Q How old is she? A Seventeen.  
Q What is the name of the next? A Edgar O. Vellentine.

#2

- Q How old is he? A He is fifteen.  
Q The next? A Mattie L.  
Q How old? A Fourteen.  
Q Next? A Ernest E.  
Q How old? A Six years old.  
Q Are you making application for yourself and these children?  
A Yes, sir.

By attorney;

She has another child but he is married.

By the Commission.

- Q What is his name? A John T. Vellentine.  
Q Is your husband Charles H. Vellentine the father of these children? A Yes, sir.  
Q They are living with you at your home? A Yes, sir.  
Q Were you or he either of you married before you married each other? A No, sir; never before.  
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; not that I know of.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? Not, before this.  
Q Have you ever made application for citizenship for yourself and your children to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.  
Q Do you now come before the Commission to identify yourself and these 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 Some things I do; I don't know, that I fully understand it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September 1830. It was made for the especial purpose of removing all of 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 interest article fourteen was drafted and 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."

That is article fourteen that was put into the treaty of 1830 when it was passed, for the especial benefit of the Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama.

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with that article of that treaty? A Well we only have the record of our grandfather.
- Q What was his name? A John Blakeley, and his son John Blakeley.
- Q Well did John Blakeley live in Mississippi in 1830; seventy-two years ago? A Yes, sir.
- Q Do you know how old he would be if living now? A Something over one-hundred years.
- Q Do you know where he was born? A No, sir.
- Q Where and when he died? A No, sir; I do not.
- Q How much Choctaw blood did he have? A My grandfather had none my grandmother was a half blood.
- Q You claim throughn his wife then? A Yes, sir.
- Q What was her name? A Elizabeth Blakeley.
- Q She had the Choctaw blood? A Yes, sir.
- Q John her husband was a white man? A Yes, sir.
- Q She lived in Mississippi in 1830 and was the head of a family there at that time? A Yes, sir.
- Q You know how old she would be if living now? A She would be over one-hundred.
- Q You claim through your mother Tempie? A Yes, sir.
- Q And this Elizabeth was her mother? A Yes, sir.
- Q How old was your mother? A She was sixty-nine years old, would have been seventy if she would have lived up to the 23rd of this Junea
- Q Where was she born? A In Mississippi.
- Q Have any of your Choctaw ancestors owned any land or claimed any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you know where they had land in Mississippi? A I could not tell you but I think Hickory station.
- Q Where is that? A In Newton County, I think.
- Q Did they receive that from the government? A Well the government issued them scrip for to buy proof of it.
- Q Was this scrip issued to your grandmother Elizabeth? A It was claimed through her and it was probably issued to her.
- Q Do you know when that scrip was issued to your grandmother Elizabeth Blakeley? A I don't know that; I can't say that. I have heard it spoken of but I don't think I could tell you the exact date.
- Q Have you any idea about the date? A Not at the present mement I have not.
- Q You think you can show that later? A Yes, I think so.
- Q Do you know how much land she had there? A I don't know at the present time but we can get that.
- Q Do you know what became of that land? A No, sir; I do not.
- Q Do you know whether 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 who had an Agency in Mississippi in 1830 and 1831 and told him that they wanted to stay in Mississippi, takenland there and become citizens of the United States? A My grandfather I suppose did, he get his

land that way.

- Q You got your information from your family; from what was told you in the family? A We have it from the record.
- Q You don't claim through your grandfather at all? A No, sir.
- Q Through your grandmother? A Through my grandmother.
- Q Have you any knowledge of proof that land was owned or claimed by any of your Choctaw ancestors in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A Well I just told you through my grandmother.
- Q You don't mean your grandfather went to Colonel Ward? A I mean my grandmother.
- Q How did you ever hear it told in your family that your grandmother went to Colonel Ward in person within six months from the ratification of the treaty of 1830 and told him that she wanted to stay there in Mississippi, take land there and become a citizen of the United States; did you ever hear anything about that? A I heard my father speak of it not over five days ago.
- Q What did he say? A I could not say because we only talked about it a few moments.
- Q You don't remember particularly what was said? A No, sir.
- Q Did you ever hear him or your mother at any time speak about this matter of going to Colonel Ward? A Yes, sir.
- Q Do you remember what was said at any time? A No, sir; I would not give it in that way.
- Q You don't remember? A No, sir.
- Q Do you know whether any of your Choctaw ancestors claimed any benefits as Choctaw Indians under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No, sir.
- Q Did any of your Choctaw ancestors claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw Indians under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830; any other treaty or do you claim entirely under the treaty of 1830? A That is what I claim under.

The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified were required if they wanted to take advantage 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 Choctaw Indians did this whose names Colonel Ward failed to put upon his list which has since been known as Ward's register and because of his failure to do so a good many Choctaw Indians who had land in Mississippi upon which they had improvements had their land and improvements taken from them and sold at the public land sales by the government. This caused a good many complaints among the Choctaw Indians especially among those who lost their land in the old Choctaw Nation and as the result of the complaints that were made a Commission was appointed by Congress under an act approved March 3, 1837. This Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23rd 1842. This Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did you ever hear that any of your Choctaw ancestors went before either of these two Commission, that of 1837 or the Commission of 1842 and claimed benefits under article fourteen of that treaty; this was not before the United States Indian Agent Colonel Ward but before the Commission either in 1837 or 1842; did you ever hear that any of your Choctaw ancestors went before either of these two Commissions? A I don't understand what you say.
- Q If you don't know just say what you don't know? A I don't know.
- Q These Commissions as I have explained to you were appointed by Congress in these two different years to hear claimants who stated that they had gone before Colonel Ward, within six months after the ratification of the treaty of Dancing Rabbit Creek and had been refused rights under that article of the treaty. Did any of your Choctaw ancestors claim to have received any scrip or certificates from the government under the act of Congress approved August 23, 1842, which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they had formerly held in Mississippi and which the government had taken from them; did you ever hear anything about that? A No, sir; not that I know of.
- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws claiming through the same ancestor Elizabeth Blakeley? A Yes, there were a lot before me.
- Q Can you give me the name of one of them? A Tempie McAlester.

The consolidated case of Tempie McAlester, M.C.R. 2857 is here referred to.

- Q You want to have your case consolidated with that of Tempie McAlester? A Yes, sir.
- Q Also that of the other relatives claiming through the same ancestor? A Yes, sir.
- Q Have you any documentary evidence or any other proof that you want to introduce at this time? A Not at present.
- Q You would like a little time to introduce testimony? A

Attorney; Yes, sir.

- Q Do you speak or understand the Choctaw language? A No, sir; I do not.
- This applicant has the appearance and physical characteristics of being descended from white parentage; she has black eyes; black hair; dark complexion. 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 April 2, 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 April 1902.

Subscribed and sworn to before me this 3 day of May 1902.

*G. Rosenwinkel*  
*[Signature]*  
 Notary Public.

Department of the Interior.  
Commission to the five civilized tribes.  
Muskegee, I.T. April 3, 1908.

Testimony of Tempie McAllester in the following cases:

Frances O. Vollettine et al.,	M.C.R. 5063
John P. Vollettine et al.,	M.C.R. 5064
Callie V. Bryant et al.,	M.C.R. 5065
William S. Blaksley et al.,	M.C.R. 5086
James K. Blakeley et al.,	M.C.R. 5067
Ralph Tyler,	M.C.R. 5068
Walter S. Blakeley et al.,	M.C.R. 5069

A. Telle, att'y for applicants:

Tempie McAllester being called and sworn as a witness in these cases testified as follows:

Examination by the Commission:

- Q What is your full name? A Tempie McAllester.  
Q You have made application for identification as a Mississippi Chocaw yourself, haven't you? A Yes sir.  
Q The number of your case is 2857? A I don't remember.

Reference is made to her case, M.C.R. 2857.

- Q What is your age? A I am in my fiftieth year.  
Q What is your post office address? A Waco, Texas.  
Q How long have you lived there? A Well, off and on, for thirteen years; I have lived there the last time six or seven years.  
Q Where were you born? A In Mississippi.  
Q You lived there in Mississippi? A In Newton County.  
Q You removed from Mississippi to what State? A Texas.  
Q What time? A '65.  
Q And have lived in Texas since? A Yes sir.  
Q You want to testify, do you, now in reference to the application of these relatives of yours whose numbers have been given here?  
A Yes sir.  
Q Will you state what you knew in reference to these applicants having Chocaw blood and being descended from a Chocaw ancestor who

lived in Mississippi in 1830 and was the head of a family there then? A Yes sir; William S. Blakeley was a son of James Blakeley; James Blakeley, his father was a son of John and Elizabeth Smith-Blakeley.

Q Who is James E. Blakeley? A That's a son of this William S. Blakeley.

Q Who is Ralph Tyler; how is he related to this William S. Blakeley? A He is a son of Joseph Tyler and a nephew of Frances Vollentine.

Q Who is Yela B. Hoffington? A Well, she-- her first husband was Robert B. Blakeley.

Q She is a white woman and has made application for her minor children? A Yes sir.

Q Will you give the names of relatives of yours who appeared for identification before the Commission April 29? You have given these four. A Robert Blakeley who was a brother of this William S. Blakeley. Then, John Vollentine.

Q Now, do all these applicants whose names you have given claim their Choctaw blood through Elizabeth Smith who married John Blakeley? A Yes sir; this Frances Vollentine's mother was a daughter of Elizabeth Smith Blakeley the wife of John Blakeley.

Q Tell what you know about Elizabeth Smith Blakeley having lived in Mississippi and being a Mississippi Choctaw Indian. A Well, she lived in Mississippi and died when I was a very small child; I have a very small recollection of her; but my grandfather I remember well.

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

Q He was a white man? A Yes sir.

Q Did he live with his wife, Elizabeth in 1830? A Yes, I have often heard my mother say that they moved to that country from Spring County.

Q Did she have children living with her in Mississippi at that time? A Yes sir.

Q She was the head of a family? A Yes sir.

Q How much Choctaw blood did she have? A Claimed a half.

Q How old would she be if living now? A I expect over a hundred.

Q Where did she die? A In Newton County within four miles of where I was raised.

Q Did she go to the Indian agent, Col. Ward within six months after February 24, 1831, and try to become enrolled as a Choctaw Indian under article fourteen of the treaty of 1830? A I really can't say; it is supposed of course, that she did, by the records since.

Examination by A. Telle, att'y for applicants:

Q Mrs. McAllester, this William S. Blakeley that applied here today he mentioned his minor children; do you know his other children?

A Yes, I am acquainted with all of them, but I don't remember the names of all of them the smaller ones.

Q I ask you if you know Annie Blakeley Creasy? A Yes, I know her well.

Q She hasn't come yet? A No sir.

Q But she is a direct descendant of the common ancestor that you all claim your citizenship from? A Yes, she is the oldest daughter of William S. Blakeley.



- Q Now there has been an application made by one Melissa Lee Boyd?  
A Yes sir.  
Q To this Commission? A Yes sir.  
Q She stands in the same relation as the other members of the family to the common ancestor Blakeley? A Yes sir.  
Q Her grandmother was a daughter of Elizabeth Smith Blakeley; she married a man named Lee? A Yes, she married Jacob Lee.  
Q And she appeared before the Commission on the Lee side last Spring? A Yes sir.  
Q Melissa Boyd and F. Boyd--- A Were man and wife; were third cousins; their grandmothers were sisters and their ~~daughters~~ grandmothers being daughters of Elizabeth Smith Blakeley.  
Q In that way they would be really relatives? A Yes, third cousins.  
Q From the same common ancestor? A Yes sir.  
Q That is on the mother's side? A Well, do you think it would be necessary to apply any on the Blakeley side- while the mother's grandmothers are the same-- she was the daughter of Robert E. Lee-Melissa Lee Boyd was.

(Witness excused).

-----

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above testimony on April 3, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 28th day of April, 1902.

*Clara Mitchell Wood*  
Notary Public.

COMMISSIONERS

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

ALLISON L. AYLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5063.

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Frances O. Vollentine,

Atoka, Indian Territory.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R 3854
Cynthia Adams Hill, et al.,	M C R 3863
William M. Blakeley, et al.,	M C R 4143
Ida Calame, et al.,	M C R 1487
Mollie Blacklidge,	M C R 1489
Aleck Blacklidge, et al,	M C R 1490
Lula Haskins, et al.,	M C R 1488
John Jordan, et al.,	M C R 1469
Frances O. Vollentine, et al.,	M C R 5063
John T. Vollentine,	M C R 5064
Callie V. Bryant, et al.,	M C R 5065
William S. Blakeley, et al.,	M C R 5066
James E. Blakeley, et al.,	M C R 5067
Ralph Tyler,	M C R 5068
Walter S. Blakeley, et al ,	M C R 5069
Mary M. Bird, et al.,	M C R 5321
Cora Langston, et al.,	M C R 5322
Annie C. Lawhon, et al.,	M C R 5323
Laura E. Bird, et al.,	M C R 5324
Oscar Thomas Boyd, et al.,	M C R 5448
John Blakeley, et al.,	M C R 5873
Albany Kennedy, et al.,	M C R 5874
Mary Frances Knowles, et al.,	M C R 5875
Surah A. Harris, et al.,	M C R 5876
Thomas L. Kennedy,	M C R 5877
Robert E. Kennedy, et al.,	M C R 5878
James Overstreet, et al.,	M C R 499
Thomas J. Overstreet, et al.,	M C R 500
William H. Overstreet,	M C R 503
Belle Rupe, et al.,	M C R 504
Cornelius L. Overstreet,	M C R 505
Riley Overstreet, et al.,	M C R 506
Rebecca Overstreet, et al.,	M C R 507
John A. Overstreet, et al.,	M C R 508
John F. Overstreet, et al.,	M C R 554
Emma Simpson, et al.,	M C R 674

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

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

Said decision concludes as follows:

“ It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vounie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommia Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Huskins, Rebecca Huskins, Minnie Huskins, Thomas Huskins, Lee Huskins, Vivian Huskins, Nellie Huskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyed Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estell Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

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

Respectfully,



Acting Chairman.

Registered.

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

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES. M.C.R. 5063.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES


Muskogee, Indian Territory, July 13, 1903.

Frances O. Vollentine,  
Atoka, Indian Territory.

Dear Madam:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,



Commissioner in Charge.

*mm*

REFER IN REPLY TO THE FOLLOWING:

MCR. 5063

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

Muskogee, Indian Territory, December 6, 1906.

Frances O. Vollentine,  
Atoka, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

*W. O. Beall*

Acting Commissioner.

MOR 5063

Muskogee, Indian Territory, December 6, 1906.

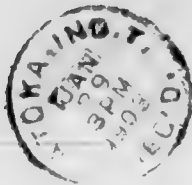
Frances C. Vollentine,  
Atoka, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

Acting Commissioner.



DEPARTMENT OF THE INTERIOR  
COMMISSION on Land and Water Resources.

**FILED**

**MAR 17 1903**

A large, dark, handwritten scribble or signature, possibly illegible, located below the date stamp.

CHAIRMAN



113  
110

**UNCLAIMED**



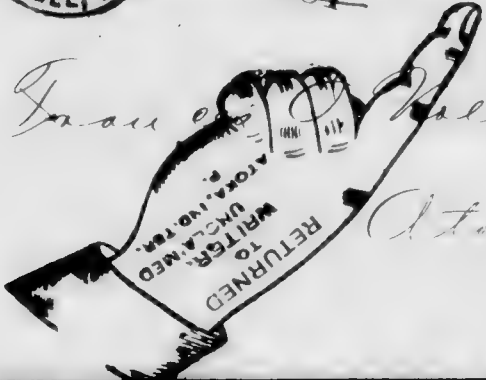
1081



Department of the Interior.  
Bureau of Indian Affairs  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.  
OFFICIAL BUSINESS.

Penalty for private use, \$300.

Francis Valentine  
OK  
Attacks



Unknown.

DEPARTMENT OF THE INTERIOR  
Commissioner to the Five Civilized Tribes

FILED

1883  
*[Handwritten signature]*

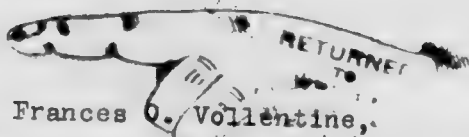
Com



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Frances O. Volentine,

Atoka, Indian Territory.

5063

*File*

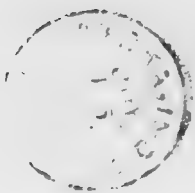
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
AUG 19 1903

*W. H. ...*  
*...*

U.S. DEPT. OF THE INTERIOR  
AUG 19 1903

*Handwritten signature*

CHAIRMAN

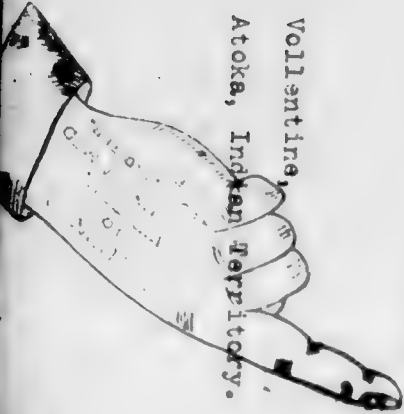


General Office MCR  
Notice that Sec. of Int. has  
affirmed Commission's decision

*Shilkinson*

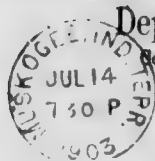
Frances O. Vollentine,

Atoka, Indian Territory.



Department of the Interior  
Commission of the Public Lands  
Muskogee, Ind. Feb. 1903.  
Official business  
Penalty for private use, \$300.

General Office M R  
Notice that Sec. of Ind. has  
appointed Commission's decision  
Unknown



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

Frances O. Vollentine,  
Atoka, Indian Territory.



For Identification as a Mississippi Choctaw.

Date APR 2 1902

Name Frances O. Vollenstone

Age 34 — Blood 1/8

Post Office, Atoka, L. P.

Father: J. F. Tyler, L.

Mother: Tempie L. " d.

Claims through mother -

Husband Charles H. Vollenstone, W.

No claim for husband

Children:

Alice A. Vollenstone, 17.

Edgar O. " 15.

Mattie L. " 14

Ernest E. " 6

Claims for self & children -

Stenographer J. Rosemoin

Mississippi Choctaw R 5063

Testimony of Tempie McAlester  
taken at Muskogee, Indian Ter-  
ritory, April 3, 1902.

Stenographer  
H. E. Hains.



Choctaw MCR 5064

John T. Vollentine

See MCR 2857

MCR 5064

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. April 2, 1902.

5064

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

Applicant represented by attorney A. Telle.

John T. Vollentine being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A John T. Vollentine.  
Q What is your age? A Eighteen.  
Q What is your post office address? A Atoka.  
Q Indian territory? A Yes, sir.  
Q How long have you been in Indian Territory? A Why five or six weeks.  
Q Where were you born? A Hamilton County, Texas.  
Q Always live in Texas until you came to the Territory? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A Charles H. Vollentine.  
Q Your mother's name is what? A Frances O. Vollentine.  
Q Do you claim through your mother? A Yes, sir.  
Q How much Choctaw blood do you claim? A Why one-sixteenth.  
Q Your mother has made application on this date April 2, as she not for identification as a Mississippi Choctaw? A Yes, sir.  
Q Has she ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not to my knowledge.  
Q Your wife is living is she? A Yes, sir.  
Q What is her name? A Amanda.  
Q Is she a Choctaw Indian or White woman? A White woman.  
Q You make no claim for her then? A No, sir.  
Q Do you make any claim for any one besides yourself? 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 Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 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 Yes, sir.  
 Q Do you care to have it explained any further? A Mr. Telle explained it to me.  
 Q You don't care to have it explained? A No, sir.

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 ad join the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that? A Yes, sir.  
 Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article of that treaty? 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 John and Elizabeth, Blakeley.  
 Q Elizabeth Blakeley? A Yes, sir.  
 Q What relation was she to you? A My great grandmother.  
 Q How much Choctaw blood did she have? A She was a full blood.  
 Q Was she a full blood Choctaw or a quarter blood? A She was a full.  
 Q What was her husband's name do you remember? A John Blakeley.  
 Q Was he a white man? A Yes, sir.  
 Q Your mother when she testified said that Elizabeth Blakeley her grandmother your great grandmother was a half blood, you say she was a full blood? A Well I guess she is right, and knows more about it than I do; If I am one-sixteenth she must have been one-half.  
 Q You would like to change your testimony there? A Yes, sir.  
 Q You claim she is one-half then? A Yes, sir.  
 Q Did she live in Mississippi in 1830 and was she the head of a family there then? A Yes, sir.  
 Q You have been taught that in the family? A Yes, sir.  
 Q You know where in Mississippi she was born? A No, sir.  
 Q How old would she be if living now? A I don't know.  
 Q Did she speak the Choctaw language? A I could not tell you.  
 Q Did you ever hear that she had a Choctaw Indian name? A Not until the last two months.  
 Q What Choctaw Indian name did she have? A Smith.  
 Q Smith; that would hardly be a Choctaw Indian name.

Attorney: He is mixed up. His great-grandmother was a full blood and her name was Elizabeth Smith.

- Q You are speaking now of your great-great grandmother Elizabeth Smith? A Yes, sir.
- Q That is not a Choctaw Indian name is it? A No, sir.
- Q You can't speak the Choctaw language? 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 Dancing Rabbit Creek 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 Yes; if I understand it right.
- Q Who went to Colonel Ward? A John Blakeley and his son.
- Q He is a white man? A My grandmother then (prompted)
- Q His wife? A Yes, sir; John Blakeley's wife.
- Q She went to Colonel Ward? A Yes, sir.
- Q How do you know she did? A By the record from Jackson Mississippi.
- Q Did you ever hear that in the family? A No, sir.
- Q What records do you refer to? A From the records of Jackson, Mississippi, in the land office there.
- Q Do you claim that the name of Elizabeth Blakeley appears upon any list of Choctaw Indians who were beneficiaries either under article fourteen or any other article of the treaty of 1830? A I could not say.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory, with the other Indians between 1833 and 1838 or forty? A Not that I know of.
- 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 Yes, sir.
- Q Who did; do you know? A Elizabeth Blakeley.
- Q She got land in Mississippi? A Yes, sir.
- Q Under article fourteen of the treaty of 1830? A Yes, sir.
- Q Did she ever get any land or claim any under any other article of the treaty of Dancing Rabbit Creek than article fourteen or under the supplement of that treaty? A Not that I know of.
- Q Now where did she or any of your ancestors own any land; where was it located, in Mississippi? A I could not tell you.
- Q How do you know that they received it from the government? A The record that I have been told of.
- Q Can you tell me where; upon what record, evidence is found of the fact that any of your ancestors held land in Mississippi and Alabama in the old Choctaw Nation as beneficiaries under any article of the treaty of 1830? A I did not understand the question.
- Q Can you tell me where these records can be found? A Yes, sir.
- Q Where? A You can get it from Jackson, Mississippi; Mr. Telle; got it there.
- Q You think you can produce proof to that effect later? A Yes, sir.
- Q You want time in which to introduce such evidence? A Yes, sir.
- Q You are not able to show that now are you? A No, sir.

A reasonable time will be allowed this applicant in which to introduce proper evidence in support of this application which he makes for identification as a Mississippi Choctaw and also to show, if he desires to do so, and can do so, evidence that he descended from Mississippi Choctaw ancestors who complied with article fourteen of the treaty of 1830.

The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified that is who remain in the old Choctaw Nation in Mississippi and Alabama were required if they

wanted to take advantage of the provisions of article fourteen to go to the United States Indian Agent Colonel Ward within six months from the ratification of this treaty and tell him that they wanted to stay there in Mississippi, take land 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. The result of his failure to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements; both were taken from them by the government and sold at its public land sales. This caused so many Complaints among the Choctaw Indians that Congress in 1837 by act approved March 3rd of that year, appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act approved August 23rd of that year, Congress appointed another Commission for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your ancestors go before either of these two Commissions, that of 1837 or the Commission of 1842 and claim benefits as Choctaw Indians under the 14th article of that treaty; did you ever hear that they did.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana, or Arkansas to take the place of land which they had formerly held in the old Choctaw Nation and which the government had taken from them and sold? A Yes, sir.
- Q Do you know who received this scrip and from whom they received it? A John and Elizabeth Blakeley--received scrip.
- Q And did they select land? A She got scrip for all of it and I think bought three different tracts of land.
- Q Where was this land located do you know? A No, sir.
- Q Did she live upon it? A Yes, sir.
- Q Was it all located together? A No, sir.
- Q How much land was there? A Three-one-hundred and sixty acre tracts.
- Q 480 acres altogether? A Yes, sir.
- Q Tell me where it was located? A I can't tell you that.
- Q Where did you get your information that she had this land given to her by the government? A From the records at Jackson Mississippi.
- Q At Jackson Mississippi? A Yes, sir.
- Q The records are there? A Yes, sir.
- Q Did you see the records? A No, sir; not the records there but I saw the writings that were copied from them.
- Q Do you propose to introduce that copy of the record here in support of this application? A Yes, sir.
- Q But you intend to introduce proof of the fact that Elizabeth Blakeley received these different tracts of land in all amounting to 480 acres from the government? A Yes, sir.
- Q And that this land was given under the act of Congress approved August 23rd 1842, by the issuing of scrip to her? A Yes, sir.
- Q You don't know what became of that land? A No, sir.
- Q You yourself never saw this scrip? A No, sir.
- Q Do you know of anybody who has seen it? A No, sir.
- Q When did you learn that this scrip was issued to your grandmother or great grandmother Elizabeth Blakeley? A About the middle of last month.
- Q Then you were told by whom? A By Mr. Telle.
- Q He is your attorney? A Yes, sir.

#3

- Q Was all this land located in the state of Mississippi? A Yes, sir.
- Q In the old Choctaw Nation, in Mississippi, was it? A I could not say about that.
- Q Have you any proof now, that you want to introduce now, in support of this application that you make to be identified as a Mississippi Choctaw or any proof to the effect that any of your ancestors received any benefits in Mississippi or Alabama as Choctaw Indians? A Not at present I have not.
- Q Would you, like a little time? A Yes, sir.

A reasonable time will be granted this applicant in which to introduce testimony or evidence, if he desires, in support of this application which he makes for identification as a Mississippi Choctaw and in proof of the fact that, if he can do so, any of his ancestors complied with article fourteen of the treaty of 1830; or, that any of his ancestors, if Choctaw Indians, received any scrip from the United States government under the act of Congress of August 23, 1842.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is there anything further you want to say in support of this application? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; black eyes; black hair; medium dark complexion. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

- Q Have you any relatives who have appeared here to be identified as Mississippi Choctaws before you? A Yes, sir.
- Q Who is Tempie McAlester? A I can't tell you myself.
- Q What relation to you? A She is a cousin.
- Q She claims through the same ancestor through whom you claim does she not? A Yes, sir.
- Q You want to have her testimony referred to and made a part of your application? A Yes, sir.

The case of Tempie McAlester, et al., M.C.R. 2857 is here referred to. v

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 April 2, 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 April 1902.

Subscribed and sworn to before me this 3rd day of May 1902.

*G. Rosenwinkel*  
*W. H. Hillwood*  
Notary Public.

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

ALLISON L. AYLESWORTH,  
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5084.

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

John T. Vollentine,

Atoka, Indian Territory.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R 3854
Cynthia Adams Hill, et al.,	M C R 3863
William M. Blakeley, et al.,	M C R 4148
Ida Calame, et al.,	M C R 1487
Mollie Blacklidge,	M C R 1489
Aleck Blacklidge, et al.,	M C R 1490
Lula Haskins, et al.,	M C R 1488
John Jordan, et al.,	M C R 1469
Frances O. Vollentine, et al.,	M C R 5063
John T. Vollentine,	M C R 5064
Callie V. Bryant, et al.,	M C R 5065
William S. Blakeley, et al.,	M C R 5066
James E. Blakeley, et al.,	M C R 5067
Ralph Tyler,	M C R 5068
Walter S. Blakeley, et al.,	M C R 5069
Mary M. Bird, et al.,	M C R 5321
Cora Langston, et al.,	M C R 5322
Annie C. Lawhon, et al.,	M C R 5323
Laura E. Bird, et al.,	M C R 5324
Oscar Thomas Boyd, et al.,	M C R 5448
John Blakeley, et al.,	M C R 5873
Albany Kennedy, et al.,	M C R 5874
Mary Frances Knowles, et al.,	M C R 5875
Sarah A. Harris, et al.,	M C R 5876
Thomas L. Kennedy,	M C R 5877
Robert E. Kennedy, et al.,	M C R 5878
James Overstreet, et al.,	M C R 499
Thomas J. Overstreet, et al.,	M C R 500
William H. Overstreet,	M C R 503
Belle Rape, et al.,	M C R 504
Cornelius L. Overstreet,	M C R 505
Riley Overstreet, et al.,	M C R 506
Rebecca Overstreet, et al.,	M C R 507
John A. Overstreet, et al.,	M C R 508
John F. Overstreet, et al.,	M C R 554
Emma Simpson, et al.,	M C R 674

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

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

Said decision concludes as follows:

“It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmit Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou



Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Rose, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blackledge, Aleck Blackledge, Ellen Blackledge, Lee Blackledge, Leonard Blackledge, Lula Huskins, Rebecca Huskins, Minnie Huskins, Thomas Huskins, Lee Huskins, Vivian Huskins, Nellie Huskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Chre Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

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

Respectfully,

*Tame Kirby.*

Acting Chairman.

Registered.

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

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES. M.C.R. 5064.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 13, 1903.

John T. Vollentine,  
Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,



Commissioner in Charge.

*mm*

REFER IN REPLY TO THE FOLLOWING:

MCR 5064

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

Muskogee, Indian Territory, December 6, 1906.

John F. Vollentine,

Atoka, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

*W. O. Beall*

Acting Commissioner.

Mississippi Choctaw R 5064

Testimony of Tempie McAlester  
taken at Muskogee, Indian Terri-  
tory, April 3, 1902.

Stenographer

H.G.Hains.

No. 5064

For Identification as a Mississippi Choctaw.

Date APR 2 1902

Name John T. Volentine,

Age 18 Blood 1/16

Post Office, Atoka, I. T.

Father: Charles H. Volentine, l.

Mother: Frances O. " l.

Claims through mother

wife, Amanda " l. w.

Claims nothing  
for wife —

~~Children:~~

Claims for self  
alone.

Stenographer G. Rosenmire

DEPARTMENT OF THE  
Commissioner to the Five Civil Tribes

FILED

NOV 1 1907



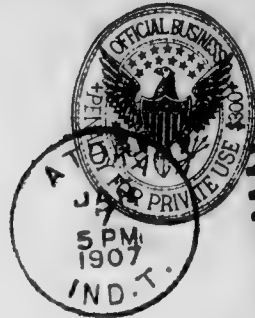
Commissioner



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Joh n F. Vollenweiser,

Atoka, Indian Territory.



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

**FILED**  
**MAR 17 1903**

CHAIRMAN



112  
110

**UNCLAIMED**



Department of the Interior.

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

**OFFICIAL BUSINESS.**

Penalty for private use, \$300.

1082

*OK*



*Unknown.*

*John G. Valentine*  
RETURNED TO WRITER UNCLAIMED  
*St. Louis, Mo.*

5064

*File*

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

AUG 19 1903

1903  
AUG 19

*[Handwritten signature]*

CHAIRMAN

General Office Wash

Notice that Sec. of Int. has affirmed  
Commissioner's decision

Unknown

John T. Vollentine,

Atoka, Indian Territory



MUSKOGEE  
JUL 14  
7 30 P.  
1903

Penalty for private use, \$300.

Department of the Interior  
Commissioner of the Fifth District  
Muskogee, Ind. Terr.  
Official Business

General Office Musk

Notice that Sec. of Int. has affirmed  
Commissioner's decision

Unknown

MUSKOGEE INDIAN TERRITORY  
JUL 14  
7 30 P.  
1903

Department of the Interior

Commission to the Five Civilized Tribes

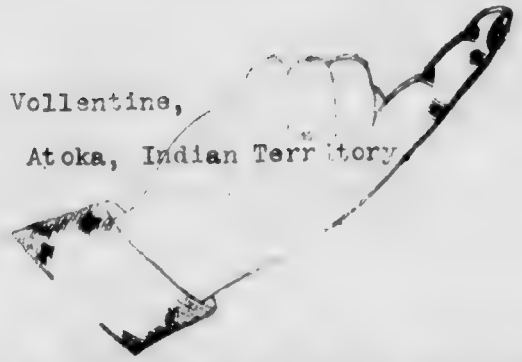
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

John T. Vollentine,

Atoka, Indian Territory.



Choctaw MCR 5065

Callie V. Bryant

See MCR 2857

MCR 5065

5065

Department of the Interior.  
Commission to the Five Civilized Tribes,  
Muskegee, I.T. April 2, 1902.

2033

In the matter of the application for identification as Mississippi Choctaws of Callie V. Bryant, for herself and her three minor children, Bertha Lee, Mamie A., and Harvey Leland Bryant.

Attorney A. Telle appearing for applicants.

Callie V. Bryant being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Callie V. Bryant.
- Q What is your age? A 26.
- Q Where is your post office? A Brewer, Texas
- Q How long have you lived in Brewer? A Born and raised there.
- Q What is your father's name? A John Yearby, Y-e-a-r-b-y.
- Q Is he living? A Yes, sir.
- Q Is your mother living? A No, sir.
- Q What is your mother's name? A Sophronia Yearby.
- Q You claim through your mother and father? A Mother.
- Q How much Choctaw blood do you claim? A One-sixteenth.
- Q Has your mother ever been recognized as a Choctaw Indian or enrolled as such by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
- Q Is your husband living? A Yes, sir.
- Q Is he a white man or Indian? A White man.
- Q What is the name? A Samuel L. Bryant.
- Q You make no claim for him then do you? A No, sir.
- Q How many children have you? A Three.
- Q What is the name of the eldest that you wish to make application for? A Bertha Lee Bryant.
- Q How old is Bertha? A Seven last October.
- Q Next? A Mamie A. Bryant.
- Q How old is Mamie? A Six years last February.
- Q Next? A Harvey Leland Bryant.
- Q What is the age of this child? A Two.
- Q Is Samuel L. Bryant the father of these children? A Yes, sir.
- Q Are you and him living together as husband and wife? A Yes, sir.
- Q Were either of you married before you married each other? A No, sir.
- Q These children live with you at your home? A Yes, sir.
- Q You claim for yourself and the children do you? 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 to the Choctaw tribal authorities in Indian Territory for yourself and children? A No, sir.

#2.

- 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, 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 Do you now come before the Commission to identify yourself and 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 Yes, sir.
- Q You care to have it further explained to you? A No, sir.

That article reads, as follows:

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

- Q You understand that do you? A Yes, sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty as explained and read to you? A I could not tell you anything about it.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elizabeth Blakeley.
- Q How much Choctaw blood did she have? A One-quarter.
- Q Did she live in the state of Mississippi in 1830 and was she the head of a family there then? A Yes, sir.
- Q Do you know how many children she had at that time in Mississippi? A No, sir.
- Q What relation was she to you? A My grandmother.
- Q Your mother's mother? A Yes my mother's mother.
- Q Your mother was born? you know how old your mother is? A I think she would have been forty-four.
- Q When did she die? A She died thirteen years ago.
- Q Did she have any older brothers and sisters? A Yes, sir.
- Q Some of them lived in Mississippi in 1830? A Yes, sir.
- Q Is that a matter of family history and tradition? A Yes, sir.
- Q Could you tell how old Elizabeth Blakeley would be if she were living now? A She is living.
- Q Where is she living? A Up near Dawson.
- Q How old is she? A Eighty-two years old.
- Q Then she could not have been married and lived in Mississippi in 1830? A My grandmother, Elizabeth Blakeley.
- Q Is this Elizabeth Blakeley whose name you have given, the daughter of another Elizabeth Blakeley? A Yes, sir.

- Q Well the Elizabeth Blakeley that you have given is your grandmother? A Yes, sir.
- Q Then there is another Elizabeth Blakeley who is your great-grandmother? A Yes, sir.
- Q And she lived in Mississippi in 1830? A Yes, sir.
- Q What was this great grandmother Elizabeth Blakeley's husband's name? A John.
- Q He was a white man? A Yes, sir.
- Q You are sure that she lived in Mississippi in 1830 and had a family there then? A No, sir.
- Q But your great grandmother's husband John Blakeley was a white man? A Yes, sir.
- Q Lived in Mississippi in 1830 with his wife? A Yes, sir.
- Q And she was an Indian? A Yes, sir.
- Q She had children there then? A Yes, sir.
- Q Did she have any knowledge of the Choctaw language do you know? A Not that I know of; my grandmother did.
- Q Great grandmother I am talking about? A I don't know whether she did or not.
- Q Which grandmother had? A My grandmother Blakeley.
- Q If your great grandmother did not and your grandmother did; how do you explain that? A I don't know that my great grandmother did not but I know that my grandmother had.
- Q You knew your grandmother? A Yes, sir.
- Q What was her physical appearance was she light or dark? A Dark
- Q You say she spoke Choctaw? A Yes, sir.
- Q You understand the Choctaw language? A No, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I have been told that they did.
- Q You know where they were located? A In Newton County, Mississippi.
- Q Did she get these improvements on land, in Newton County, Mississippi, from the government? A I have been told she did.
- Q In what way, under what right or treaty? A 1830.
- Q What proof have you that your great grandmother Elizabeth Blakeley owned improvements on land in Mississippi which she reviewed from the government under article fourteen of the treaty of 1830? A I have been told that.
- Q Did you ever hear about that article fourteen? A Yes, sir.
- Q You heard that she did comply with that article? A Yes, sir.
- Q Did she get it in 1830 or '31 or when? A 1830 I think.
- Q She could not get it in 1830 but did she get it in 1831, by going to Colonel Ward within six months from the ratification of the treaty of 1830 and telling him that she wanted to stay in Mississippi? A I have been told that she did.
- Q Or did she get it later under the authority of scrip that was issued to her under the act of Congress of August 28th 1842; do you know anything about that? A No, sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation in Indian Territory with the other Indians between 1833 and 1838? A Not that I know of.
- Q Did they own any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen 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 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 upon which they had improvements to lose both their land and their improvements; both were taken from them by the government and sold at its public land sales. This caused a great many complaints especially by those Indians who lost their land and Commissions were appointed, as the result of the complaints made, by Congress. One was appointed in 1837 by act approved March 3rd of that year. This Commission went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. In 1842, another Commission was appointed by Congress under act approved August 23rd of that year, 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 go before either of these two Commissions and claim benefits under article fourteen of the treaty; did you ever hear? A No, sir; I never did.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly held in the old Choctaw Nation and which the government had taken from them and sold? A Not that I know of.
- Q Who is Tempie McAlester? A Second Cousin.
- Q She made application did she not to be identified as a Mississippi Choctaw? A Yes, sir.

Her case is here referred to No. M.C.R. 2857.

- Q You want to have her case and the applications of all other relatives of yours claiming through the same common ancestor considered with yours when it is taken up by the Commission for consideration? A Yes, sir.
- Q Have you any proof that you want to present now? A No, sir.
- Q Would you like a little time to introduce further evidence? A

By Attorney: Yes.

- Q A reasonable time will be allowed this applicant in which to introduce proper evidence or testimony in support of this application she makes for herself and her children.
- Q You don't speak or understand the Choctaw language? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium fair complexion; blue eyes; brown hair. She has no knowledge of the Choctaw language and is unable at the present time to introduce evidence or proof 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

#8

reported in full all the proceedings had in the above entitled  
cause on April 2, 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 April 2, 1902.

*A. Rosemont*

Subscribed and sworn to before me this 3rd day of May 1902.

*Wm. H. Wood*  
Notary Public.

COMMISSIONERS

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

ALLISON L. AYLESWORTH,  
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5068.

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Callie V. Bryant,

Brewer, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipeon, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R 3854
Cynthia Adams Hill, et al.,	M C R 3863
William M. Blakeley, et al.,	M C R 4148
Ida Calame, et al.,	M C R 1487
Mollie Blacklidge,	M C R 1489
Aleck Blacklidge, et al.,	M C R 1490
Lula Haskins, et al.,	M C R 1488
John Jordan, et al.,	M C R 1469
Frances O. Vollentine, et al.,	M C R 5063
John T. Vollentine,	M C R 5064
Callie V. Bryant, et al.,	M C R 5065
William S. Blakeley, et al.,	M C R 5066
James E. Blakeley, et al.,	M C R 5067
Ralph Tyler,	M C R 5068
Walter S. Blakeley, et al.,	M C R 5069
Mary M. Bird, et al.,	M C R 5821
Cora Langston, et al.,	M C R 5822
Annie C. Lawhon, et al.,	M C R 5823
Laura E. Bird, et al.,	M C R 5824
Oscar Thomas Boyd, et al.,	M C R 5448
John Blakeley, et al.,	M C R 5873
Albany Kennedy, et al.,	M C R 5874
Mary Frances Knowles, et al.,	M C R 5875
Sarah A. Harris, et al.,	M C R 5876
Thomas L. Kennedy,	M C R 5877
Robert E. Kennedy, et al.,	M C R 5878
James Overstreet, et al.,	M C R 499
Thomas J. Overstreet, et al.,	M C R 500
William H. Overstreet,	M C R 503
Belle Rape, et al.,	M C R 504
Cornelius L. Overstreet,	M C R 505
Riley Overstreet, et al.,	M C R 506
Rebecca Overstreet, et al.,	M C R 507
John A. Overstreet, et al.,	M C R 508
John F. Overstreet, et al.,	M C R 554
Emma Simpson, et al.,	M C R 674

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

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

Said decision concludes as follows:

“It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mullia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Huskins, Rebecca Huskins, Minnie Huskins, Thomas Huskins, Lee Huskins, Vivian Huskins, Nellie Huskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyed Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etna May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Caro Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

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

Respectfully,

Registered.

Acting Chairman.

COPY.

July 15, 1903

Muskogee, Indian Territory, July 15, 1903.

Callie V. Bryant,  
Brewer, Texas.

Dear Madam:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

*T. B. Needles.*

Commissioner, in Charge.

MCR 8068

Muskogee, Indian Territory, December 6, 1906.

Callie V. Bryant,  
Brewer, Texas.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South, McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

Acting Commissioner.

Mississippi Choctaw R 5065 .

Testimony of Tempie McAlester  
taken at Muskogee, Indian  
Territory, April 3, 1902.

Stenographer  
H.G. Hains.



5065

No.

For Identification as a Mississippi Choctaw.

Date

APR 2 1902

Name Callie V. Bryant.

Age 26 Blood 1/16

Post Office, 7 Brewer, Texas.

Father: John Yerby, l.

Mother: Sophronia " d

Claims through mother

Husband Samuel L. Bryant, l.w.

No claim for husband

Children:

Bertha Lee Bryant, 7

Mamie A. " 6

Harvey L. " 2

Claims for self & children

Choctaw MCR 5066

William S. Blakeley

See MCR 2857

MCR 5066

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 3, 1902.

5066

In the matter of the application for identification as Mississippi Choctaws of William S. Blakeley for himself and his three minor children, Marshal, Homer and Sallie Blakeley.

A. Telle attorney for applicants.

William S. Blakeley being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A William S. Blakeley.  
Q What is Your age? A I am fifty-two.  
Q What is your post office address? A Purmela.  
Q Where is that? A Texas.  
Q How long have you lived there? A About eighteen years in Texas.  
Q Where were you born? A Mississippi.  
Q What place in Mississippi? A Newton County.  
Q How long did you live in Mississippi? A Until I moved to Texas.  
Q That was about how long? A About thirty-four years.  
Q And went from there to Texas and have lived in Texas since? A Yes, sir.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A Jim Blakely.  
Q What was your mother's name? A Sallie.  
Q Through which parent do you claim Choctaw blood? A Father.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.  
Q Have you proof of the marriage of your father and mother with you now? A No, sir.  
Q You think you can introduce that later do you? A Yes, sir.  
A reasonable time will be allowed for that purpose.  
Q Do you know when and where they were married? A I know where but not when.  
Q Where? A Wayne County.  
Q In what state? A Alabama.  
Q By a minister and under a license? A Yes, sir.  
Q But you don't remember the date? A No, sir.  
Q Do you know, if at the time of their marriage they were living in what was known as the old Choctaw Nation? A Yes, sir.  
Q Are you married? A Yes, sir.  
Q Your wife is living? A Yes, sir.  
Q Is she a white woman or an Indian? A My wife?  
Q Yes? A White woman.  
Q You don't claim Indian blood for her? A No, sir.

- Q What is her name? A Matilda.
- Q Have you children under twenty-one years of age and unmarried that you want to make application for? A Yes, sir.
- Q What is the name of the eldest? A Marshal.
- Q Double "L"? A We spell it with one "L".
- Q How old is he? A Fifteen.
- Q Boy? A Yes, sir.
- Q What is the name of the next child? A Homer.
- Q How old is Homer? A Thirteen.
- Q The next? A Sallie?
- Q How old is Sallie? A Nine.
- Q The next? A That is all.
- Q Is Matilda the mother of these children? A Yes, sir.
- Q Are you and your wife living together as husband and wife and the children living with you? A Yes, sir.
- Q Were either of you married before you married each other? A No,,sir.
- Q Do you remember the date and the place of the marriage between yourself and your wife Matilda? A We have got it.
- Q You have the proof with you? A Yes, the time me and her was married,---November 4, 1896.
- Q Well this child here is fifteen years old, you don't mean that,-- --1896? A 1769 I mean.
- Q At what place? A Newton County, Mississippi.
- Q You have not the proof of that marriage with you? A No, sir; only through my witness here.
- Q Have you a witness who was present at the marriage ceremony? A No, 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 to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by 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 these 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 that I do.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the twenty-seventh day of September of that year. The object of that treaty was the removal of 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 the interests of those Indians who elected to remain back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. The treaty was then signed and afterwards ratified on the 24th day of February 1831. 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 intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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 Mr. Blakeley? 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 John and Elizabeth.
- Q John Blakeley? A Yes, sir.
- Q He was a white man was he not? A Yes, sir.
- Q He married Elizabeth Blakeley? A He married Elizabeth Smith.
- Q She had Choctaw blood? A Yes, sir.
- Q How much, do you know? One-half.
- Q Did she live in Mississippi in 1830? A I don't know, I could not tell you.
- Q Did she ever live in Mississippi? A Yes, sir.
- Q You never heard at what time she was living there; was she born there? A I could not tell you that.
- Q You claim through your father; how old would he be if living now? A Well I don't know exactly; way up in eighty somewhere. My father died---he was fifty-three years old, in surrender. How long has that been?
- Q That was in sixty-five, that is thirty-seven years ago; you say he was how old then? A About fifty-three.
- Q He was born where? A I don't remember.
- Q Don't know that he was born in Mississippi or Alabama? A No, sir I do not.
- Q What relation was Elizabeth Smith or Blakeley to you? A Grandfather and grandmother.
- Q You have no knowledge that she lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and was the head of a family there then? A No, sir; I don't know.
- 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, if you know? A My grandfather owned land there.
- Q In Mississippi or Alabama? A In Mississippi.
- Q Did he claim it under the treaty of 1830? A I could not tell you.
- Q But your grandfather was a white man? A Yes, sir.
- Q How about Elizabeth your grandmother did she own any land there then? A Yes, sir.
- Q Then you think she was living in Mississippi in 1830? A Well according to that she was.
- Q Did she have children living with her then? A 1830?
- Q Seventy-two years ago? A Yes, I reckon so.
- Q Did she have any older brothers or sisters? A Yes, sir.
- Q Younger too? A Yes, sir.
- Q Are any of them living? A Yes, sir.

- Q Can you give the names of those that are living? A Elizabeth Williamson.
- Q Where does she live? A Navarro County.
- Q Now the name of any other one? A Aunt Abiny Barrett.
- Q Where does she live? A She is in Hill County, Texas.
- Q Any other? A None that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A Grandfather did.
- Q He was a white man; do you know anything about his wife? A No, 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 in the old Choctaw Nation, take land there and become citizens of the United States; did you ever hear that? A I have no idea.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory between 1833 and 1838? A Not that I recollect of.
- Q Did any of your Choctaw ancestors claim any land or receive any in the old Choctaw Nation East of the Mississippi River under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty; you never heard? A No, sir.
- 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 No, sir; 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 refusing to go to the Choctaw Nation Indian Territory 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 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 great 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 many Indians who held land in the old Choctaw Nation upon which they had improvements to lose both their land and the improvements; both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837, by act approved March 3rd of that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act approved August 23rd of that year, another Commission was appointed for the same purpose 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 Not that I know of.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they had occupied in Mississippi and which the government had taken from them and sold at its public land sales? A Not that I know of.

#5

Q Who is Tempie McAlester, how related to you? A First cousin.

Mississippi Choctaw number 2867 is here referred to.

- Q You want to have this case consolidated with yours? A Yes, sir.  
Q And also all the other cases of relatives of yours who claim through the same common ancestor? A Yes, sir.  
Q Have you any proof in addition to what you have already given that you want to present now to the Commission in support of this case? A No, sir; only Mrs. McAlester, is here to identify me.  
Q You wish to call her as a witness later on? A Yes, sir.  
Q Do you speak or understand the Choctaw language? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Medium dark complexion; black eyes; hair somewhat gray formerly black. He does not understand the Choctaw language and has 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 April 3, 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 April 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 26th day of April 1902.

*Clara Mitchell Wood*

Notary Public.

Miss. Chestav 8086

Muskogee, Indian Territory, May 23, 1902.

A. Telle,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 21, inclosing joint affidavit of F. M. Kennedy and Albany Kennedy as to the marriage of W. S. Blakeley and Matilda Jane Harris about November 4, 1869, and the same has been filed with the record in the matter of the application of William S. Blakeley, et al. for identification as Mississippi Choctaws, but you are advised that before the same can be accepted by the Commission as conclusive evidence of said marriage it will be necessary to have the certificate of the Clerk of the Court of the county in which the marriage was performed, as to why certified copy of the records cannot be introduced in evidence.

Yours truly,

Acting Chairman.



Miss. Choctaw R5006

Muskogee, Indian Territory, June 13, 1908.

T. M. Kenedy,  
Newton, Mississippi,

Dear girl:

Receipt is hereby acknowledged of your letter of June 9, inclosing a newspaper clipping and asking to be advised as to the its correctness; also asking if a decision has been rendered in the case of William S. Blakeley who resides at Permelia, Texas. In conclusion you ask if you will have time, after the receipt of the Commission's letter, to appear as applicants for identification as Mississippi Choctaws before the rolls close.

In reply to your letter you are informed that the Commission cannot render any opinion as to the correctness of newspaper reports. If you desire information relative to any particular application for identification as a Mississippi Choctaw, and will address a letter to the Commission, naming the case and stating the reason you desire the information, you will be advised as to the status of the individual case. You are advised that no decision has yet been reached nor opinion rendered relative to the application of William S. Blakeley, et al. for identification as Mississippi Choctaws.

T.M.K. 2

The Commission is daily hearing applications for identification as Mississippi Choctaws at its office at Muskogee, Indian Territory, but in view of the probability of an early date being fixed or agreed upon, terminating the time within which the Commission can receive and consider applications of this character, it would be advisable, if you desire to make application, that you do so as early as practicable.

Yours truly,

Commissioner in Charge.

COMMISSIONERS  
HENRY L. DAWES,  
TANS SIXBY,  
THOMAS B. NEEDLES,  
C. R. BRICKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5006.

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

William S. Blakeley,  
Permelia, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R 3854
Cynthia Adams Hill, et al.,	M C R 3863
William M. Blakeley, et al.,	M C R 4148
Ida Calame, et al.,	M C R 1487
Mollie Blacklidge,	M C R 1489
Aleck Blacklidge, et al.,	M C R 1490
Lula Haskins, et al.,	M C R 1488
John Jordan, et al.,	M C R 1469
Frances O. Vollentine, et al.,	M C R 5063
John T. Vollentine,	M C R 5064
Callie V. Bryant, et al.,	M C R 5065
William S. Blakeley, et al.,	M C R 5066
James E. Blakeley, et al.,	M C R 5067
Ralph Tyler,	M C R 5068
Walter S. Blakeley, et al.,	M C R 5069
Mary M. Bird, et al.,	M C R 5321
Cora Langston, et al.,	M C R 5322
Annie C. Lawhon, et al.,	M C R 5323
Laura E. Bird, et al.,	M C R 5324
Oscar Thomas Boyd, et al.,	M C R 5448
John Blakeley, et al.,	M C R 5873
Albany Kennedy, et al.,	M C R 5874
Mary Frances Knowles, et al.,	M C R 5875
Sarah A. Harris, et al.,	M C R 5876
Thomas L. Kennedy,	M C R 5877
Robert E. Kennedy, et al.,	M C R 5878
James Overstreet, et al.,	M C R 499
Thomas J. Overstreet, et al.,	M C R 500
William H. Overstreet,	M C R 503
Belle Rape, et al.,	M C R 504
Cornelius L. Overstreet,	M C R 505
Riley Overstreet, et al.,	M C R 506
Rebecca Overstreet, et al.,	M C R 507
John A. Overstreet, et al.,	M C R 508
John F. Overstreet, et al.,	M C R 554
Emma Simpson, et al.,	M C R 674

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd; Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Sovie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Curlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mullia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blackledge, Aleck Blackledge, Ellen Blackledge, Lee Blackledge, Leonard Blackledge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

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

Respectfully,

Registered.

Acting Chairman.

COPY.

Muskogee, Indian Territory, July 13, 1903.

William S. Blakeley,  
Permelia, Texas.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

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

*mf*

REFER IN REPLY TO THE FOLLOWING:

MCR 5066

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

Muskogee, Indian Territory, December 6, 1906.

William S. Blakeley,  
Permolia, Texas.

Dear Sir :—

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

*W. O. Beall*

Acting Commissioner.

No. 5066

For Identification as a Mississippi Choctaw.

Date APR 3 1902

Name William S. Blakeley

Age 52 - Blood 1/8

Post Office, Permellia, Texas.

Father: Jim Blakeley d.

Mother: Sallie " d.

Claims through father  
wife, Matilda " l.w.

No claim for wife.

Children:

Marshall Blakeley, 15

Komer " 13

Sallie " 9

Claims for self & children.

Stenographer G. Rosenwald



Mississippi Choctaw R 5066

Testimony of Tempie McAlester  
taken at Muskogee, Indian  
Territory, April 3, 1902.

Stenographer

H. G. Hains.

REC'D  
12 M  
T

GATESVILLE  
TEXAS  
DEC 12 1906

USPO  
8 P M

ELIZAVILLE  
JAN 12 1907

DEPARTMENT OF  
PUBLIC  
DEC 10 1906  
P.M.  
TEX.

*[Signature]*  
Commissioner

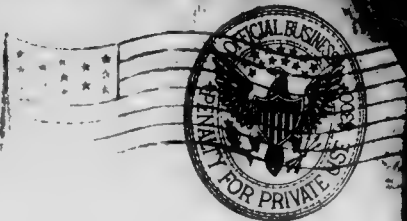
GATESVILLE TEX.  
DEC 9 12 M. 1906  
REC'D.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

*Return to Writer  
Unclaimed*



~~William C. Blakely,~~

~~Permelia, Texas~~

Choctaw MCR 5067

James E. Blakely.

See MCR 2857

MCR 5067

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 3, 1902.

5067

In the matter of the application for identification as Mississippi Choctaws of James E. Blakeley for himself and his three minor children, Minnie Lee, William Edward and Jesse Ray Blakeley.

Applicants represented by attorney A. Telle.

James E. Blakeley having been first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A James E. Blakeley.  
Q What is your age? A Thirty-one years old.  
Q What is your post office address? A Rodney, Texas.  
Q How long have you lived there? A Twelve years.  
Q Where were you born? A In Mississippi.  
Q Where in Mississippi? A In Newton County.  
Q How long did you live in Mississippi before you left that state? A I guess I lived there I reckon may be fourteen years.  
Q Then you went from there to Texas? A Yes, sir.  
Q You have lived in Texas ever since? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A William S. Blakeley.  
Q He appeared for identification on this date April 3rd? A Yes sir.  
Q What is your mother's name? A Matilda.  
Q You claim through which parent father or mother? A My father.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.  
Q When and where was he married? A In Mississippi.  
Q You remember the date? A No, sir; I don't remember the date; my father you mean?  
Q Yes? A No, sir; I don't remember the date.  
Q Was he married by a minister and under a license? A Yes, sir.  
Q Have you proof of that marriage with you? A No, sir.  
Q Is your wife living? A Yes, sir.  
Q Is she a Choctaw Indian or white woman? A White woman.  
Q What is her name? A Amanda E. Blakeley.  
Q You make no claim for her? A No, sir.  
Q How many children have you? A Three.  
Q What is the name of the eldest one you want to make application for? A Minnie Lee.  
Q How old is Minnie Lee? A Five years old.  
Q Next? A William Edward.  
Q How old is he? A Three years old.

#2

- Q The next? A Jesse Ray.
- Q Boy? A Yes, sir.
- Q How old? A About four months old.
- Q You claim for yourself and children do you? 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 Not that I know of.
- Q Is Amanda H. Blakeley the mother of these children? A Yes, sir.
- Q And you and the children are all living together at home? A Yes, sir.
- Q And you are living with her? A Yes, sir.
- Q Were either you or your wife married previous to your marriage with each other? A No, sir.
- Q Have you proof of your marriage with your wife with you? A No, sir; not with me.
- Q You think you can introduce that later? A Yes, sir.
- Q Do you know when you were married to your wife? A Yes, sir.
- Q When and where? A Seven years ago the first of this month in Henry County, in the town of Athens, Texas.
- 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.
- Q Do you now come before the Commission to identify yourself and these 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 Well I don't know whether I exactly do or not.
- Q You understand what the treaty is; just exactly what it is for? A According to my understanding it was for the removal from there to here.
- Q A treaty is a compact or agreement in writing made between two or more Nations; by their representatives. Nations make contracts and treaties just the same as individuals? A Yes, sir.
- Q It is a contract between two municipal-corporate bodies? A Yes, sir.

Such a treaty was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th of September 1830 and was made for the purpose of removing the Choctaw Indians who lived in that old Choctaw Nation from that 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 under that treaty and therefore in order to protect the interest of these Indians who elected to remain back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. The treaty was then signed and afterwards became ratified on the 24th day of February 1831. 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 in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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 after the explanation? 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 Mrs. Mc Alester,--witnesses you mean?
- Q No, I mean who do you claim through? A My father
- Q Go back now? A I claim it through my great grandmother?
- Q Elizabeth? A Yes, sir.
- Q What was her full name? A Elizabeth Smith, she married a fellow by the name of John Blakeley.
- Q He was a white man was he not? A Yes, sir.
- Q How much Choctaw blood did she have? A One-half I think.
- Q Do you know what his business or occupation was? A No, sir.
- Q Did he live in the state of Mississippi in 1830 or in Alabama? A I don't know; I never knew him.
- Q Did you ever hear that he did from any members of your family? A No, sir.
- Q Never heard anything about that one way or another? A No, sir.
- Q How do you know that his wife Elizabeth Smith was a one half Choctaw Indian by blood? A About the only way I could get at it, I have a good many Mississippians living around me and they tell me that is the case.
- Q Did you never hear that she lived in Mississippi in 1830; seventy two years ago? A No, sir.
- Q Do you know of any Choctaw ancestor of yours who did live in Mississippi or Alabama in the old Choctaw Nation in 1830 and who was the head of a family there then? A No, sir; I don't know.
- Q Your father claimed through whom; his father? A Yes, sir.
- Q What was your father's father's name? A Jim.
- Q Jim Blakeley? A Yes, sir.
- Q Did he ever live in Mississippi? A Well, Yes, sir.
- Q Was he born there? A Well I could not answer that. I don't know whether he was born there; I think he was.
- Q How old would he be if living now? A I don't know how old he would be; I never knew him.
- Q He would be a pretty old man? A Well I suppose I suppose something like seventy years old.
- Q He claimed through whom, his father or mother? A From his mother.
- Q Elizabeth Blakeley? A Yes, sir.
- Q Do you think that he was born in Mississippi in 1830; you say he was born in Mississippi and would be over seventy years old; do you think he was born in Mississippi in 1830 something before that year? A No, sir; he could not be quite seventy years old.
- Q Did he have any elder brothers or sisters? A Not that I know of,

I heard of them but I never knew them.

- Q Did you ever hear that he did have older brothers and sisters? A Yes, sir.
- Q Then it looks don't it as though your grandfather's mother Elizabeth was living in Mississippi in 1830 and had a family there then? A Yes, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I ever knew anything about.
- 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 the state of Mississippi, take land there and become citizens of the United States? A No, sir; I never did.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A Not that I remember.
- Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation East of the Mississippi River either under article fourteen of the treaty of 1830, or under any other article of that treaty or under the supplement of it; did you ever hear? A No, sir; I heard that they owned some.
- Q Who owned some? A My great grandfather.
- Q He was a white man? A Yes, sir.
- Q You never heard that any of your Choctaw ancestors owned any? A No, sir.
- Q Did any of your Choctaw ancestors claim any benefits under any other treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A Not that I remember.

The Choctaw 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 that treaty, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification 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. His neglect to make a full and complete list of the names of all Choctaw Indian claimants who came before him under the provisions of article fourteen caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements they had upon it; both were taken from them by the government and sold at its public land sales. This caused a good many complaints among the Indians so that in 1837 a Commission was appointed by Congress to go to Mississippi and hear claimants under article fourteen of that treaty. In 1842 another Commission was appointed by Congress for the same purpose. This Commission also went to Mississippi and heard claimants under that article of that treaty.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen of the treaty of 1830? A Not that I remember of.

The act of Congress approved August 23rd 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, and if it also further appeared that he had



#5

previously had land in Mississippi 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 should be given to him to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians; you never heard? A No, sir.
- Q What relation is Temple McAlester to you? A She is a cousin.
- Q She has made application to be identified as a Mississippi Choctaw has she not? A Yes, sir.
- Q You want to have the evidence given by her in her application before the Commission, M.C.R. number 2857 considered with yours? A Yes, sir.
- Q Also the testimony of other relatives who have appeared here? A Yes, sir.
- Q Have you any proof you want to introduce at this time? A No, sir not right now.
- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is there anything more you want to say? A No, sir; not that I know of.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium dark complexion; brown eyes; dark hair. He does not understand the Choctaw language and has 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 first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 3, 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 April 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 26th day of April 1902.

*Clara M. Hill*

Notary Public.

Miss. Choctaw 5067.

Muskogee, Indian Territory, April 24, 1902.

A. Telle,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 21, inclosing certified copy of marriage license and certificate between J. E. Blakeley and Miss M. E. Helly, offered in support of the application of James E. Blakeley for the identification of himself and his minor children as Mississippi Choctaws, and the same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

COMMISSIONERS

HENRY L. DAWES,  
TAMM DIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5067.

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

James B. Blakeley,

Rodney, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R	2857
Robert E. Lee, et al.,	M C R	1468
Melissa Boyd,	M C R	1485
Ethel Sherrer,	M C R	1486
Fred Lee,	M C R	1491
Vernile Lee,	M C R	1492
Jacob C. Lee, et al.,	M C R	1515
Nannie Wood, et al.,	M C R	1516
Claudia Murray, et al.,	M C R	1517
George W. Lee, et al.,	M C R	1518
Shade Gore,	M C R	1519
Nancy A. Williams, et al.,	M C R	1743
Hiram Blakeley, et al.,	M C R	2541
William Lee, et al.,	M C R	2559
Jacob H. Lee,	M C R	2694
Nancy A. Schmidt, et al.,	M C R	2695
Fred B. Lee,	M C R	2696
Lillian Thomas, et al.,	M C R	2853
Margie Adams, et al.,	M C R	2854
Oral Boyd, et al.,	M C R	2855
William D. Williamson, et al.,	M C R	2856
Arcada DuBose, et al.,	M C R	2858
Albert Edward Boyd,	M C R	2859
Olive Smith, et al.,	M C R	2888
William Cary DuBose,	M C R	2889
J. Dale Adams,	M C R	2898
William L. Blakley,	M C R	2890
Sarah M. Adams, et al.,	M C R	2901
Merlin C. Adams, et al.,	M C R	2902
Thomas B. Ross, et al.,	M C R	2903
Arthur A. Ross, et al.,	M C R	2904
Mattie Forsythe, et al.,	M C R	2997
Maria Gipson, et al.,	M C R	3139
Lawrence L. Boyd, et al.,	M C R	3154
Joseph K. Boyd, et al.,	M C R	3155
Nora B. Hilley,	M C R	3156
William F. Walker,	M C R	3157
John Owens,	M C R	3158

William J. Adams,	M C R 3854
Cynthia Adams Hill, et al.,	M C R 3863
William M. Blakeley, et al.,	M C R 4148
Ida Calame, et al.,	M C R 1487
Mollie Blackledge,	M C R 1489
Aleck Blackledge, et al.,	M C R 1490
Lula Haskins, et al.,	M C R 1488
John Jordan, et al.,	M C R 1469
Frances O. Vollentine, et al.,	M C R 5063
John T. Vollentine,	M C R 5064
Callie V. Bryant, et al.,	M C R 5065
William S. Blakeley, et al.,	M C R 5066
James E. Blakeley, et al.,	M C R 5067
Ralph Tyler,	M C R 5068
Walter S. Blakeley, et al.,	M C R 5069
Mary M. Bird, et al.,	M C R 5321
Cora Langston, et al.,	M C R 5322
Annie C. Lawhon, et al.,	M C R 5323
Laura E. Bird, et al.,	M C R 5324
Oscar Thomas Boyd, et al.,	M C R 5448
John Blakeley, et al.,	M C R 5873
Albany Kennedy, et al.,	M C R 5874
Mary Frances Knowles, et al.,	M C R 5875
Sarah A. Harris, et al.,	M C R 5876
Thomas L. Kennedy,	M C R 5877
Robert E. Kennedy, et al.,	M C R 5878
James Overstreet, et al.,	M C R 499
Thomas J. Overstreet, et al.,	M C R 500
William H. Overstreet,	M C R 503
Belle Rape, et al.,	M C R 504
Cornelius L. Overstreet,	M C R 505
Riley Overstreet, et al.,	M C R 506
Rebecca Overstreet, et al.,	M C R 507
John A. Overstreet, et al.,	M C R 508
John F. Overstreet, et al.,	M C R 554
Emma Simpson, et al.,	M C R 674

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

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

Said decision concludes as follows:

“ It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Chairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Seenie Vore Ross, Arthur A. Ross, Tominia Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blackledge, Aleck Blackledge, Ellen Blackledge, Lee Blackledge, Leonard Blackledge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyed Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clara Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

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

Respectfully,

SIGNED

Samuel D. Carter

Registered.

Acting Chairman.

H.C.A. 2077.

COPY.

Langston, Indian Territory, July 25, 1903.

James H. Blakeley,  
Redney, Texas.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

MCR 5067

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

Muskogee, Indian Territory, December 8, 1906.

James E. Blakeley,  
Rodney, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

*W. O. Beall*

Acting Commissioner.

Mississippi Choctaw R 5067

Testimony of Tempie McAlester  
taken at Muskogee, Indian  
Territory, April 3, 1902.

Stenographer

H.G. Hains.



For Identification as a Mississippi Choctaw.

Date APR 3 1902

Name James E. Blakeley

Age 31 Blood 1/6

Post Office, Rodney, Texas.

Father: William S. Blakeley, l.

Mother: Matilda " l.

Claims through father  
wife,

Amanda E. " l.w.

No claim for wife.

Children:

Minnie Lee " 5

William Edward " 3

Jesse Ray " 4m.

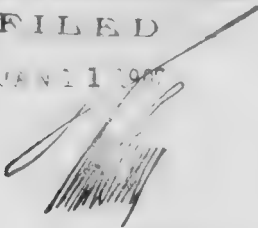
Claims for self &  
children

James E. Blakeley

DEPARTMENT OF THE INTERIOR.  
Commissioner to the Five Civilized Tribes.

FILED

JAN 11 1905

A handwritten signature in dark ink, appearing to be "W. W. Washburn", is written over the typed text.

Commissioner



Department of the Interior.

Commissioner to the Five Civilized Tribes,

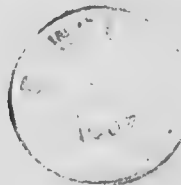
MUSKOGEE, IND. TER.

*Return to writer*  
Miss. Choctaw Div.

*Present address unknown*

~~James E. Blakeley,~~

~~Rodney, Texas.~~



Choctaw MCR 5068

Ralph Tyler

See MCR 2857

MCR 5068

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 3, 1902.

5068

In the matter of the application for identification as a  
Mississippi Choctaw of Ralph Tyler.

A. Telle, attorney, appearing for applicant.

Ralph Tyler being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Ralph Tyler.  
Q What is your age? A My age is;- I am nineteen years old now.  
Q What is your post office address? A Atoka.  
Q Where were you born? A I was born in Velasco County, Texas.  
Q You lived in Texas how long? A All my life time to just one month ago.  
Q Then you went where? A I came to the Nation.  
Q You propose to reside in the Nation now? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A No, sir; she is dead.  
Q What is your father's name? A J. O. Tyler.  
Q Is he a white man? A Yes, sir----No, sir.  
Q What is he? A He is Indian.  
Q Where is he? A In Texas.  
Q Is he a Choctaw Indian? A Yes, sir.  
Q He has never been before the Commission? A No, sir.  
Q What was your mother's name? A My mother's name was Margaret Tyler. M. M.  
Q She is dead is she? A Yes, sir.  
Q You claim your Choctaw blood through which parent, father or mother? A Father.  
Q How much Choctaw blood do you claim? A I claim one-sixteenth.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? No, sir.  
Q Are you living with your father? A No, sir; I am living with me uncle.  
Q How long since you lived with your father? A It has been four years since I have lived with my father.  
Q Has it been four years since he supported you? A Yes, sir.  
Q Do you support yourself? A Yes, sir.  
Q Are you married? A No, sir; I am not married.  
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 Commission to the Five Civilized Tribes under the act of June 10, 1896? A No, sir.  
Q Do you now come before the Commission to be identified yourself as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you understand that article fourteen of the treaty of 1830? No, sir; I do not.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830. It was made for the purpose of removing as far as practicable 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 not go to the Choctaw Nation Indian Territory under that treaty and in order to protect the interest of these Indians who elected to remain in the old Choctaw Nation article fourteen was put into the treaty; then the treaty was signed and afterwards became ratified. 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 to six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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 Through which Choctaw ancestor do you claim your Choctaw blood? My ~~great~~ grandmother.
- Q What was her name? A Her name was Tempie Tyler; her name was Blakeley before she married.
- Q Tempie Tyler is that the name? A Yes, sir.
- Q Did she live in Mississippi in 1830? A No, sir; that was, 1830 was before her birth.
- Q What Choctaw ancestor of yours lived in Mississippi in 1830; seventy-two years ago? A My great grandmother
- Q What was her name? A Elizabeth Blakeley.
- Q Her maiden name was Smith was it not? A Yes, sir.
- Q Did she marry a man by the name of John Blakeley a white man? A Yes, that is what I have been told; I don't know this to be a fact.
- Q Who is Tempie McAlester? A She is my cousin.
- Q She has been before the Commission to be identified; has she not? A Yes, sir.
- Q As a Mississippi Choctaw? A Yes, sir.
- Q Do you want to have the testimony given in her case considered with yours? A Yes, sir.

Her number 2887 is here referred to.

#3

- Q Do you want to have the testimony of other relatives of yours considered with yours also? A Yes, sir.
- Q Did Elizabeth Blakely live in Mississippi in the old Choctaw Nation in 1830 and was she the head of a family there then? A I don't know.
- Q You never heard? A No, sir; I never heard.
- 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; I did not hear.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation, East of the Mississippi River to the Choctaw Nation Indian Territory between 1833 and 1838 or forty? A I don't know.
- 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; did you ever hear? A I heard that my great grandfather did.
- Q He was a white man? A My great grandmother.
- Q I thought you said your great grandfather? A No, my great grandmother.
- Q Did you hear that she got that land from the government under any of the provisions of article fourteen of the treaty of 1830; did you ever hear that? A Yes, I heard that.
- Q Through whom did you hear that? A Well I heard it through my aunts and my father's talk.
- Q Through your father? A Yes, sir.
- Q He testified to-day; he made application to-day did he not? A No, sir.
- Q He has never been before the Commission? A No, sir.
- Q Did he use to live in Mississippi? A No, sir.
- Q He never did live in Mississippi? A No, sir; not to my knowledge.
- Q Did any of your Choctaw ancestors own any land or claim any 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? A I don't know.
- Q Did he claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No, sir.

The Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified refusing to go to the Choctaw Nation with the other Indians 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, in the old Choctaw Nation, 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 as the result of his neglect in this respect a good many Indians, members of the Choctaw tribe, who had land in the old Choctaw Nation, lost both their land and the improvements which they had upon it. The government took them and sold them. This caused so many complaints that Congress appointed a Commission in 1837 to go to Mississippi and hear claimants under article fourteen of that treaty. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23rd 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 get before either of these two Commissions and claim benefits under that treaty? 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 1830, if it also further appeared that he had had land in Mississippi in the old Choctaw Nation 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 get any such scrip from the government? A I don't know.

Q Have you any other evidence you want to introduce now in support of this claim? A No, sir.

Q Care for any time? A No, sir.

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

This applicant has the appearance and physical characteristics of being descended from white parentage. He has brown eyes; medium dark complexion; brown hair. He does not understand the Choctaw language and has 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 April 3, 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 April 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 26th day of April 1902.

*Charles J. Wood*

Notary Public.



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

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

REFER IN REPLY TO THE FOLLOWING  
M. C. R. 5068.

ALLISON L. AVLESWORTH,  
SECRETARY.

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Ralph Tyler,  
Atoka, Indian Territory.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R	2857
Robert E. Lee, et al.,	M C R	1468
Melissa Boyd,	M C R	1485
Ethel Sherrer,	M C R	1486
Fred Lee,	M C R	1491
Vernile Lee,	M C R	1492
Jacob C. Lee, et al.,	M C R	1515
Nannie Wood, et al.,	M C R	1516
Claudia Murray, et al.,	M C R	1517
George W. Lee, et al.,	M C R	1518
Shade Gore,	M C R	1519
Nancy A. Williams, et al.,	M C R	1743
Hiram Blakeley, et al.,	M C R	2541
William Lee, et al.,	M C R	2559
Jacob H. Lee,	M C R	2694
Nancy A. Schmidt, et al.,	M C R	2695
Fred B. Lee,	M C R	2696
Lillian Thomas, et al.,	M C R	2853
Margie Adams, et al.,	M C R	2854
Oral Boyd, et al.,	M C R	2855
William D. Williamson, et al.,	M C R	2856
Arcada DuBose, et al.,	M C R	2858
Albert Edward Boyd,	M C R	2859
Olive Smith, et al.,	M C R	2888
William Cary DuBose,	M C R	2889
J. Dale Adams,	M C R	2898
William L. Blakley,	M C R	2890
Sarah M. Adams, et al.,	M C R	2901
Merlin C. Adams, et al.,	M C R	2902
Thomas B. Ross, et al.,	M C R	2903
Arthur A. Ross, et al.,	M C R	2904
Mattie Forsythe, et al.,	M C R	2997
Maria Gipson, et al.,	M C R	3139
Lawrence L. Boyd, et al.,	M C R	3154
Joseph K. Boyd, et al.,	M C R	3155
Nora B. Hilley,	M C R	3156
William F. Walker,	M C R	3157
John Owens,	M C R	3158

William J. Adams,	M C B	3854
Cynthia Adams Hill, et al.,	M C B	3863
William M. Blakeley, et al.,	M C R	4148
Ida Calame, et al.,	M C R	1487
Mollie Blacklidge,	M C R	1489
Aleck Blacklidge, et al.,	M C R	1490
Lula Haskins, et al.,	M C R	1488
John Jordan, et al.,	M C R	1469
Frances O. Vollentine, et al.,	M C R	5063
John T. Vollentine,	M C R	5064
Callie V. Bryant, et al.,	M C R	5065
William S. Blakeley, et al.,	M C R	5066
James E. Blakeley, et al.,	M C B	5067
Ralph Tyler,	M C B	5068
Walter S. Blakeley, et al.,	M C R	5069
Mary M. Bird, et al.,	M C R	5321
Cora Langston, et al.,	M C R	5322
Annie C. Lawhon, et al.,	M C R	5323
Laura E. Bird, et al.,	M C R	5324
Oscar Thomas Boyd, et al.,	M C R	5448
John Blakeley, et al.,	M C R	5873
Albany Kennedy, et al.,	M C R	5874
Mary Frances Knowles, et al.,	M C B	5875
Sarah A. Harris, et al.,	M C R	5876
Thomas L. Kennedy,	M C B	5877
Robert E. Kennedy, et al.,	M C R	5878
James Overstreet, et al.,	M C R	499
Thomas J. Overstreet, et al.,	M C R	500
William H. Overstreet,	M C R	503
Belle Rape, et al.,	M C R	504
Cornelius L. Overstreet,	M C R	505
Riley Overstreet, et al.,	M C R	506
Rebecca Overstreet, et al.,	M C R	507
John A. Overstreet, et al.,	M C R	508
John F. Overstreet, et al.,	M C R	554
Emma Simpson, et al.,	M C R	674

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

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

Said decision concludes as follows:

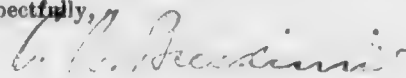
“It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnice Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommiea Ross, Media Ross, Mullia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blackledge, Aleck Blackledge, Ellen Blackledge, Lee Blackledge, Leonard Blackledge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyed Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

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

Respectfully,



Commissioner in Charge.  
~~Acting Chairman.~~

Registered.

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

ALLISON L. AVLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5068.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES


Muskogee, Indian Territory, July 13, 1903.

Ralph Tyler,  
Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tempie McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,



Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

MCR 5068

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

Muskogee, Indian Territory, December 6, 1906.

Ralph Tyler,

Atoka, Indian Territory.

Dear Sir :-- .

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

*W. O. Beall*

Acting Commissioner.

No.

5068

For Identification as a Mississippi Choctaw.

Date

APR 3 1902

Name

Ralph Tyler.

Age

19—

Blood

1/16 •

Post Office,

Atoka, I. T.

Father:

J. G. Tyler —

l

Mother:

Margaret M., "

d

Claims through

father

Children:

Claims for self &  
~~children~~ alone

GR

50

Mississippi Choctaw R 5068

Testimony of Tempie McAlester  
taken at Muskogee, Indian  
Territory, April 3, 1902.

Stenographer

H.G. Hains.

5068

*file*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE CIVILIZED TRIBES.

**FILED**

AUG 19 1903

*[Handwritten signature]*

CLERKMAN

ATOKA, IND.  
RECEIVED  
AUG 19 1903



General Office M.R.

Notice that Sec. of Int. has affirmed  
Commission's decision

*Unknown*

Ralph Tyler,

Atoka, Indian Territory.



Department of the Interior.  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND., TER.  
OFFICIAL BUSINESS.  
Penalty for private use, \$300.

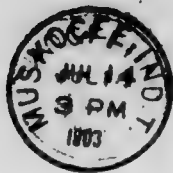
General Office MICH.

Notice that Sec. of Int. has affirmed  
Commission's decision

Unknown

Ralph Tyler,

Atoka, Indian Territory.

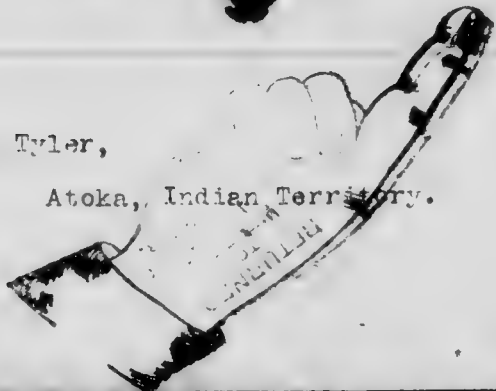


Department of the Interior.

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

OFFICIAL BUSINESS.

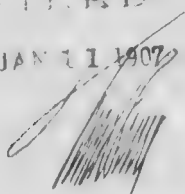
Penalty for private use, \$300.



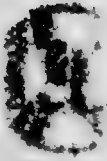
DEPARTMENT OF T...  
Commissioner to the Eye Council

FIELD

JAN 21 1907



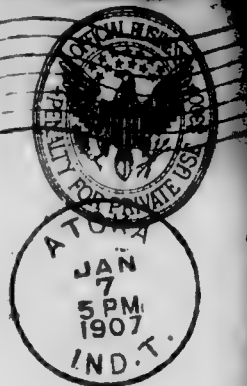
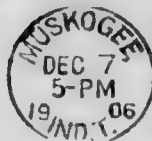
Commissioner.



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Ralph Tyler,  
Atoka, Indian Territory.

RETURNE  
TO  
WRITER  
UNCLAIMED  
P.O.

Choctaw MCR 5069

Walter S. Blakely

by

Lela B. Heffington

See MCR 2857

MCR 5069

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 3, 1902.

5069

In the matter of the application of Lela B. Heffington for the identification of her eight minor children, Walter S., Ida L., Robert L., Albert H., Edgar D., Lucy Emma, Claud C. and Ernest V. Blaksley, as Mississippi Choctaws.

A. Telle, att'y for applicant

Lela B. Heffington being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lela B. Heffington.  
Q H-e-f-f-i-n-g-t-o-n? A Yes sir.  
Q How many children are you applying for? A Eight.  
Q These children claim Indian blood from your husband who is deceased? A Yes sir.  
Q And you are a white man? A Yes sir.  
Q What was your husband's name? A Robert B. Blakeley.  
Q Well, is your present name Blakeley? A No Heffington.  
Q You married again? A Yes, and my last husband separated.  
Q Robert B. was your first husband? A Yes sir.  
Q He isn't living now? A No sir.  
Q You never separated from him? A No sir.  
Q And then you married again a man named Heffington? A yes sir.  
Q What is his full name? A Francis P.  
Q Did you separate from him? A Yes sir.  
Q He is living now, is he? A Yes sir.  
Q What is your age? A I am thirty six years old.  
Q What is your post office address? A Board Texas, Navarro County  
Q How long have you lived in Texas? A I have lived in Texas- let me see- I reckon about twenty one years.  
Q Where were you born? A Born and raised in Louisiana.  
Q Are these children for whom you wish to make application all living with you at your home? A Yes, they are all at home.

- Q They live with you at Beard, do they? A Yes sir.
- Q Were they born in Texas? A Yes, every one.
- Q You wish to make application for them as claiming Choctaw blood through their father, your deceased husband, Robert B. Blakeley?
- A Yes sir.
- Q How much Choctaw blood did he have? A One eighth.
- Q You don't claim any Choctaw blood yourself? A No sir.
- Q What is the name of your eldest child for whom you wish to make application? A Walter S. Blakeley.
- Q How old is Walter? A He is eighteen years old.
- Q The next? A Ida L.
- Q How old is she? A She is sixteen.
- Q The next? A Robert L.
- Q How old? A Fourteen.
- Q The next? A Albert H.
- Q How old? A He is twelve years old.
- Q The next? A Edgar D. He is ten years old.
- Q The next? A Lucy Emma.
- Q How old? A Eight.
- Q Next? A Claud G.
- Q How old is Claud? A He is six years old.
- Q The next? A Ernest V.; he is four years old- he is only three now but he will be four in August.
- Q That's all? A Yes sir, that's all- this little one, you see we don't claim any blood for her at all.
- Q Well, you haven't got her name down, have you? A No sir; she is no Choctaw.
- Q Was Robert B. Blakeley your first husband the father of these children? A Yes sir.
- Q How much Choctaw blood do you claim for them? A One sixteenth.
- Q Were you ever married before you married him? A No sir.
- Q Was he ever married before he married you? A Yes, once.
- Q Has he any children by that marriage that you want to make application for? A Yes, he has three; all of age- two of them has made application here.
- Q Then you only want to make application for those which are yours and of whom he is the father? A Yes sir.
- Q You have charge and care of these children? A Yes sir.
- Q Where were you married to your husband? A In Macogoches County, Texas, the 26th November, in 1882, to the best of my knowledge.
- Q By a minister under a license? A Yes sir.
- Q Do you know whether the father of these children, Robert B. Blakeley, was ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A A well, I can't tell you that; I know very little about it.

(Attorney for applicant suggests that she is only applying for her children and "I don't know whether she would be supposed to know anything about it.)

Q Well, she can state what she knows about it for she might have heard about it.

(To applicant:)

Q Are the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Well, none that I know of.

Q Has any application ever been made for these children for whom you make application now for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A Not until now.

Q No application has been made for them for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have they ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities or the authorities of the United States in Indian Territory either the Dawes Commission or the United States Court in Indian Territory? A No sir; I can't say.

Q This is the first application that has ever been made for these children, is it? A Yes sir.

Q Do you now come before the Commission for the purpose of having these children who claim their Choctaw blood through Robert B. Blakeley identified as Mississippi Choctaws claiming under fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article yourself? A Well, I don't know that I do thoroughly.

Q You don't know that these children ever had it explained to them? A No sir.

The treaty of 1830 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; the object of this treaty was the removal of the Choctaw Indians from the old Choctaw Nation, East of the Mississippi River 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, in Indian Territory; in order to protect the interests of these Indians that remained article fourteen was drafted and put into the treaty of 1830; the treaty was then signed and later on February 24, 1831, was ratified; 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 if any of the Choctaw ancestors of these children ever complied or attempted to comply with any of the provisions of this article? A Well, I can't tell you about that.

Q What is the name of the ancestor through whom these children



claim their right to be identified as Mississippi Choctaws?

A Blakeley I think.

Q The full name? A John and Elizabeth, I think.

Q John was white? A Yes sir.

Q Was Elizabeth, the wife, a Choctaw? A A half I think; her maiden name was Smith; she was these childrens' great grandmother I guess; I think she was my husband's grandmother.

Q Did she live in Mississippi in 1830? A well, I guess she did.

Q Did she have a family of children there then? A Yes sir.

Q Do you know how many children she had living with her in Mississippi in 1830? A No sir; I don't.

Q Do you think she was head of a family there then? A I guess so; I don't know; I have been taught she was.

Q You have heard that in the family? A Yes sir.

Q How old would she be if living now? A Over a hundred years old or thereabouts.

Q Did any of the Choctaw ancestors of these children own any improvements on land in Mississippi or Alabama in 1830? A I can't tell you.

Q Did any of their Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? You never heard that, did you? A I don't know.

Q Did any of the Choctaw ancestors of these children go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838 or 1840? A I don't know.

Q Did any of the Choctaw ancestors of these children own any land or claim any in Mississippi or Alabama in the old Choctaw Nation there under article fourteen of the treaty of 1830 or under any other article of that treaty or under the supplement of that treaty?

A I don't know; I have always been taught that old grandfather Blakeley was a mighty rich old man.

Q Well, he was a white man? A Yes, but his wife was a Choctaw.

Q But you don't know whether any of the Choctaw ancestors of these children claimed any benefits under the treaty of 1830? A No sir.

The Indians who stayed in Mississippi after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent, Col. Ward, and tell him that they wanted to remain in Mississippi, take land there and become citizens of the United States; a great many Indians did this whose names Col. Ward failed to put upon his register; his neglect caused a great many Indians who had lands in Mississippi and improvements thereon to lose both, for the Government took them away and sold them; this caused so many complaints among the Choctaws especially among those who lost their land, that in 1837 a Commission was appointed by Congress to go to Mississippi and hear claimants under article fourteen of the treaty of 1830; in 1842 another Commission was appointed for the same purpose and this Commission also went to Mississippi and made a list of the names of those claimants who came before it

Q Did any of the Choctaw ancestors of these children who claim thre'

your husband, Robert B. Blakeley, go before either of these two Commissions and claim benefits under article fourteen of that treaty?

A I think the old grandmother did if I understand it right.

Q Have you any proof of that fact? A I think it is already proved by all the other connections, if I understand it right.

Q That is the only proof you have, then? A Yes sir.

Q You are not positive as to what the nature of that evidence is?

A Well, there is several here can prove it.

Q You rely upon their testimony? A Yes sir.

Q They have made application? A Yes sir; Tempie McAlester, Sallis Adams and all the other witnesses that was here. Tempie McAlester is an own cousin.

Q She has made application? A Yes sir.

Her number, M.C.R. 2857 is referred to.

Q Do you want to have the testimony given by her in her application and also the testimony of all other relatives considered with this?

A Well, if it is best.

Q You would like to have these cases all consolidated, would you?

A Yes sir.

Q Have you any other evidence you want to introduce now for these children? A Well, I don't know of any other that's necessary.

Q Do you know whether any of the ancestors of these children ever received any scrip from the Government which entitled them to select land in either the State of Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which had been taken from their father Robert B. Blakeley or any of his ancestors and sold by the Government? A Well, I can't tell you.

Q Do any of these children speak the Choctaw language? A No sir.

Q What is the physical appearance of Walter? A He is dark.

Q Dark eyes or light? A Dark brown, very near black.

Q How about his hair? A Black as any Choctaw.

Q Describe Ida L. A Well her hair is kind of brown; gray eyes.

Q Not very dark complexion? A Not very.

Q How about Robert L.? A Dark eye, dark complexion.

Q Was he black or brown hair? A Black hair.

Q And Albert H.? A Black eyes, black hair.

Q Edgar D.? A He has brown eyes, dark hair, but not real black.

Q Lucy Emma? A Black eyes and black hair.

Q Claud C.? A Brown eyes and black hair.

Q Ernest V.? A His hair is a little light; gray eyes.

Q Have any of these children blue eyes? A Well, I call them gray eyes; sometime call them blue eyes; they take that after me I guess.

Q Aren't any of them blonde-- that is, light? A Well, I don't know-- well, they isn't any of them got very light hair; the least boy, the baby boy, Ernest-- his hair would be black or dark; all my children's hair when they was small was light, but theirs is black.

Q There is nothing further you want to say about the case is there?

A No sir; not that I know of.

Q That's all.

---

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full

the proceedings had in the above entitled cause on April 5, 1902,  
and that this is a full, true and correct transcript of his steno-  
graphic notes in said cause on said date.

Henry G. Harris

Subscribed and sworn to before me this 26 day of April, 1902.

Clara Mitchell Wood

Notary Public.

Miss. Choctaw 5069.

Muskogee, Indian Territory, May 26, 1902.

A. Telle,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 23, inclosing certified copy of marriage license and certificate between R. B. Blakeley and Lelar Tolbert, offered in support of the application made by Lela B. Heffington for the identification of her minor children, Walter S. Blakeley, et al., and the same has been filed with the record in this case.

Yours truly,

Acting Chairman.

COMMISSIONERS

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

ALLISON L. AVLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2069.

Muskogee, Indian Territory, January 28, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Walter S. Blakeley,

Board, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C B 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C B 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C B 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C B 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C B 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3189
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R	3854
Cynthia Adams Hill, et al.,	M C R	3863
William M. Blakeley, et al.,	M C R	4148
Ida Culame, et al.,	M C R	1487
Mollie Blacklidge,	M C R	1489
Aleck Blacklidge, et al,	M C R	1490
Lula Haskins, et al.,	M C R	1488
John Jordan, et al.,	M C R	1469
Frances O. Vollentine, et al.,	M C R	5063
John T. Vollentine,	M C R	5064
Callie V. Bryant, et al.,	M C R	5065
William S. Blakeley, et al.,	M C R	5066
James E. Blakeley, et al.,	M C R	5067
Ralph Tyler,	M C R	5068
Walter S. Blakeley, et al ,	M C R	5069
Mary M. Bird, et al.,	M C R	5321
Cora Langston, et al.,	M C R	5322
Annie C. Lawhon, et al.,	M C R	5323
Laura E. Bird, et al.,	M C R	5324
Oscar Thomas Boyd, et al.,	M C R	5448
John Blakeley, et al.,	M C R	5873
Albany Kennedy, et al.,	M C R	5874
Mary Frances Knowles, et al.,	M C R	5875
Sarah A. Harris, et al.,	M C R	5876
Thomas L. Kennedy,	M C R	5877
Robert E. Kennedy, et al.,	M C R	5878
James Overstreet, et al.,	M C R	499
Thomas J. Overstreet, et al.,	M C R	500
William H. Overstreet,	M C R	503
Belle Rape, et al.,	M C R	504
Cornelius L. Overstreet,	M C R	505
Riley Overstreet, et al.,	M C R	506
Rebecca Overstreet, et al.,	M C R	507
John A. Overstreet, et al.,	M C R	508
John F. Overstreet, et al.,	M C R	554
Emma Simpson, et al.,	M C R	674

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

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

Said decision concludes as follows:

“ It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmit Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vounie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommia Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Huskins, Rebecca Huskins, Minnie Huskins, Thomas Huskins, Lee Huskins, Vivian Huskins, Nellie Huskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mammie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

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

Respectfully,

Registered.

Acting Chairman.

M.C.R. 2022.

COPY.

Muskogee, Indian Territory, July 13, 1903.

Walter E. Blakely,  
C/r. Lela B. Heffington.  
Board, Texas.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

*T. B. Needles*

Commissioner in Charge



REFER IN REPLY TO THE FOLLOWING:

MCR 5069

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

Muskogee, Indian Territory, December 6, 1906.

Walter S. Blakeley,  
Board, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

*W. O. Beall*

Acting Commissioner.

MOR-5069.

Muskogee, Indian Territory, February 2, 1907.

Mrs. L. E. Blakeley,  
Lewis, Indian Territory.

Dear Madam:-

Replying to your letter of January 17, 1907, you are advised that the application made on April 3, 1902, for the identification of Walter S. Blakeley et al. as Mississippi Choctaws has been refused by the Commission to the Five Civilized Tribes and the Secretary of the Interior.

You are further advised that on November 24, 1906, the Department denied a motion filed with this office June 26, 1906, by T. D. Taylor, attorney at law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister et al., of which the application of Walter S. Blakeley et al. is a part.

This case is now considered closed.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date APR 3 1902

Name Lela B. Heffington  
for 8 minor children  
Age 36 Blood white

Post Office, Board, Texas  
of children  
Father: Robert B. Blakeley d. '18

of children  
Mother: Lela B. Heffington d. (white)

Claims through father  
Robert B. Blakeley d. '18

- Children: Waller S. Blakeley, 18
- Ida L. " 16
- Robert L. " 14
- Albert H. " 12
- Edgar D. " 10
- Lucy Emma " 8
- Claud C. " 6
- Ernest V. " 3

Claims for self & children

Stenographer H. S. Harris

Mississippi Choctaw R 5069

Testimony of Temple McAlester  
taken at Muskogee, Indian  
Territory, April 3, 1902.

Stenographer

H. G. Hains.

DEPARTMENT OF THE INTERIOR.  
Commissioner to the Five Civilized Tribes.

FILED

JAN 1 1887

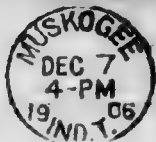


Commissioner.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



*Return to writer*

*Unclaimed*

~~Walter S. Blakeley,~~

*Present address unknown*

~~Board, Texas.~~

Choctaw MCR 5070

Eugene B. Quinn

See MCR 5023

MCR 5070

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskegee, I.T., April 3, 1903.

5070

In the matter of the application of Eugene B. Quinn for identification as a Mississippi Choctaw.

L.P. Hudson, att'y for applicant.

Eugene B. Quinn, being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Eugene B. Quinn.  
Q What is your age? A Thirty nine.  
Q What is your post office address? A It will be Lona, Indian Territory.  
Q How long have you lived there? A I have been in that territory there for the past three years.  
Q Where did you live before that? A In Missouri and Kansas. In Missouri principally, most of my time.  
Q Where were you born? A In the State of Ohio.  
Q Where in Ohio? A Near Clyde, in Sanders County.  
Q And you have lived most of your life in Missouri? A Yes sir.  
Q Is your father living? A Yes -- no sir.  
Q Is your mother living? A No sir.  
Q Through which parent do you claim your Choctaw blood? A My father.  
Q What was your father's name? A Enoch P. Quinn.  
Q What was your mother's name? A Mary E. Quinn.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No, not that I knew of.  
Q Have you the proof of the marriage of your father and mother with you? A No sir.  
Q Think you can produce that later? A I think so, yes.  
Q Remember when they were married? A No sir.  
Q Remember where? A No sir, I can't tell you that either.



- Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q Is she a white woman or Indian? A White woman.  
Q What is her name? A Annie.  
Q Do you make any claim for her? A No sir, I haven't yet.  
Q Have you any children-- A No sir, none living.  
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 Not that I know of; 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 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 by the United States Court in Indian Territory? A No sir.  
Q Do you now come before the Commission for the purpose of identifying yourself as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.  
Q Do you understand that article? A Yes sir.  
Q Don't care to have it explained further? A Why, I don't know; I am not posted in that there.

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 day of September that year, and was made for the purpose of removing the Choctaw Indians from the old Choctaw Nation, East of the Mississippi River to the Choctaw Nation, West of the Mississippi River in the 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 protect their interests and rights article fourteen was put into the treaty; it was then signed and ratified; that treaty is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, to adjoin the location of the parent, and a quarter 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 Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article as read and explained to you? A Not that I know of.
- Q You understand that now, do you? A Why, I guess I do; yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Why, Carter was my father's mother; and her mother was a Stymniah.
- Q Well, give me the name of your Choctaw ancestor who lived in Mississippi in 1830? A Stymniah (Spells it).
- Q What relation is Stymniah to you? A She would have been my great grandmother, I suppose.
- Q How much Choctaw blood did she have? A I don't know.
- Q Did you never hear? A No sir, I don't know that I ever knew exactly what she was.
- Q Did she live in Mississippi in 1830 and was the head of a family there then? A Yes sir.
- Q Do you know of any children she had in Mississippi in 1830? A No sir, I don't.
- Q Did she speak the Choctaw language? A Yes, I think so.
- Q Did she have an Indian name? A No sir; none that I know of; that's the only name I know.
- Q Know who her husband was? A I don't know.
- Q How old would she be if living now? A I don't know; I would have to study on it a while--
- Q You claim through your father, Enoch F. Quinn? A Yes sir.
- Q And he claimed through whom? A His mother;
- Q Her maiden name was what? A Carter.
- Q Full name? \* Remember her given name? A I think she called her Peggy.
- Q How old would she be if living now? A I can't tell you.
- Q Did she live in Mississippi? A I think so.
- Q Did Enoch F. Quinn live in Mississippi? A No sir, I don't think he was there at that time-- I am not so positive about that.
- Q Peggy Carter claimed through which parent? A Her mother.
- Q What was her mother's name? A Stymniah.
- Q Your great grandmother? A Yes sir.
- Q Did Peggy Carter speak the Choctaw language? A I think she did; yes sir.
- Q Did she die in Mississippi? A I am not able to say where she died.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation 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, Col. 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; no sir. Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838 or 1840? A No sir, not that I know of.
- Q Did any of your Choctaw ancestors claim any land or receive any in Mississippi or Alabama in the old Choctaw Nation there under article four teen of the treaty of 1830 or under any other

article of that treaty or under the supplement of it? A Not that I know; I don't know anything about that.

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 Not that I know of.

In 1837, by an act of Congress approved March 3, that year, a Commission was appointed by Congress to go to Mississippi and hear claimants under article fourteen of the treaty of 1830; in 1842 under an act approved August 23, that year, another Commission was appointed by Congress for the same purpose; these Commissions went in their respective years and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek.

Q Did any of your Choctaw ancestors go before either of these two Commissions, 1837 or 1842, and claim benefits as Choctaw Indians under article fourteen of that treaty? A Not that I know of.

These Commissions were appointed to hear Choctaw Indian claimants who said they had appeared to register before Col. Ward under article fourteen of the treaty of 1830 but that he had failed to put their names upon his register and because of his failure to do it the Government had taken their land from them in the old Choctaw Nation, and they therefore appeared before these two Commissions to get their rights from the Government under that article. A Yes sir.

Q But you never heard that any of your Choctaw ancestors appeared before either? A No sir.

By the Act of Congress approved August 23, 1842, those Indians who proved their claim under article fourteen of the treaty of 1830 if it also appeared that they had formerly had land in Mississippi which the Government had taken from them and sold that they should be entitled to select land in either Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which had been taken from them, and that certificates to that effect should be given to him; these certificates were called scrip. A Yes sir.

Q Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A Not that I know of.

Q Have you any relatives who have been before this Commission for the purpose of being identified as Mississippi Choctaws claiming through the same ancestor? A There's four of us; only one has appeared.

Q What is her name? A Nettie Scott.

Q Want to have her case consolidated with yours? A I guess so.  
Q Have you any other relatives who have appeared to be identified as Mississippi Choctaws? A No sir.  
Q Have you any other evidence you want to introduce now in support of this claim? A --

(L.P. Hudson, att'y for applicant, asks for time to file other evidence in the near future.)

Reasonable time will be allowed for that purpose.

Q Do you speak or understand the Choctaw language? A No sir.  
Q Do you claim to have any other blood than Choctaw Indian blood and white blood? A No sir. I am Indian and Irish is all I have been taught.

This applicant has dark skin and black eyes, thin features; claims to be white except that he has Indian blood which he says is one eighth; features would indicate a strain of Indian blood, also his complexion, which is very dark. He has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 3, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains.*

Subscribed and sworn to before me this 28th day of April, 1902.

*Clara Mitchell Wood*  
Notary Public.

M C R 5070

COPY.

Muskogee, Indian Territory, August 8, 1902.

Eugene B. Quinn,  
Lena, Indian Territory.

Dear Sir:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nettie Scott, et al., embracing the following applications for identification as Mississippi Choctaws:

Nettie Scott, et al.,	M C R 5023
Eugene B. Quinn,	M C R 5070
Joseph Quinn, et al.,	M C R 5072
Melissa Brim, et al.,	M C R 5071

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:

1 2 000

It is the Commission's conclusion that the evidence supports the identification of the identity of Nettie [Name], Willie [Name], Frances E. [Name] and [Name] in the Charter of the treaty of 1855, and that their identification as such should be [Name]

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,

WASH:

*James Dixby.*  
Acting Chairman.

Registered.

M.C.R. 5070

COPY.

Muskogee, Indian Territory, November 7, 1902.

Eugene B. Quinn,

Lona, 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 this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nettie Scott, et al., of which decision you were advised by registered mail on the 8th day of August, 1902.

Respectfully,

(SIGNED)

*James D. [unclear]*  
Acting Chairman.

No. 5070

For Identification as a Mississippi Choctaw.

Date 11 11 1902

Name Eugene B. Quinn

Age 39 Blood 1/8

Post Office, Lona, I. T.

Father: Enoch F. Quinn, d

Mother: Mary E. " d

Claims through father  
wife. Annie Quinn, l. w.

No claim for wife,

Children:

claims for wife  
alone,

Stenographer H. S. Hains,



Choctaw MCR 5071

Melissa Brim

See MCR 5023

MCR 5071

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. April 3, 1902.

5071

In the matter of the application of Melissa Brim for the identification of herself and her minor child, Venita Brim, as Mississippi Choctaws.

L.P. Hudson, att'y for applicant.

Melissa Brim being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Melissa Brim.  
Q What is your age? A Twenty four.  
Q What is your post office address? A Pawnee, Oklahoma.  
Q How long have you lived there? A About four years.  
Q Where were you born? A We come from Springfield there; I was born in Ohio.  
Q Where in Ohio? A I can't say; I don't know.  
Q From Ohio you went to what State? A Went to Missouri; I was quite young then, I don't remember very far back.  
Q From Missouri you went where? A I don't know.  
Q Did you ever live in the Indian Territory? A No sir, until we come to Oklahoma; we was at Vinita a while.  
Q How long? A About four or five months.  
Q From there you went to Oklahoma? A No sir; Springfield.  
Q Is your father living? A No sir.  
Q Is your mother living? A No sir.  
Q What was your father's name? A Enoch Quinn.  
Q Enoch E. is it? A I don't know his middle name.  
Q What was your mother's name? A Mary Elizabeth.  
Q He gave the name as Mary E. Quinn; is that right? A Yes sir.  
Q Through which parent do you claim Choctaw blood? A Father.  
Q How much Choctaw blood do you claim? A One eighth.  
Q What different nationalities do you represent? White and Indian?  
A Yes sir.  
Q You have white blood? A Yes sir.  
Q And Indian blood? A Yes sir.  
Q That's all, is it? A Yes sir.  
Q No Spanish blood of any kind? A Well, I don't think so.  
Q No colored blood? A No sir.  
Q Has your father ever been recognized in any way or enrolled as a

member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I don't know.

Q Are you married? A Yes sir.

Q What is your husband's name? A John Brim.

Q Who is living? A Yes sir.

Q White man? A Yes sir.

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

Q How many children have you? A One.

Q What is the name of that one? A Venita Brim.

Q V-e-n-i-t-a? A Yes sir.

Q How old is she? A She is four years old this September.

Q She is three now then is she? A Yes sir.

Q Is John Brim the father of Venita? A Yes sir.

Q You are the mother? A Yes sir.

Q And you and your husband are living together and this child with you? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Yes sir; 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 Indian Territory? A No sir.

Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q You understand that article? A No sir.

The treaty of 1830 sometime called the Treaty of Dancing Rabbit Creek was made at that place in the State of Mississippi between the United States Government and the Choctaw Indians on the 27th day of September 1830 for the purpose of removing all the Choctaw Indians from that old Choctaw Nation East of the Mississippi River 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 their interests article fourteen was put into the treaty; it reads as follows:

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

become citizens of the States for five years after this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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 Choctaw ancestors comply with any of the provisions of that article? Did you ever hear that they did? A No sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A On my father's side-

Q Go back as far as you can and give me the Choctaw Indian ancestor, if you can? A Well, my father's mother was a Carter.

Q Peggy Carter? A I don't know her given name.

Q Did she claim through her father or mother? A I don't know.

Q Can you give the name of any other Choctaw ancestor? A No sir.

Q Do you know of any Choctaw ancestor who lived in the State of Mississippi in 1830? A My great grandmother.

Q What was her name? A I can't hardly pronounce it, it begins with My--

Q Your brother Eugene B. Quinn who testified just before you--A Yes sir.

Q - gave the name as Stymniah; is that the one you mean as your greatgrandmother? A Yes sir.

Q Is that an Indian name? A I don't know.

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

Q How much Choctaw did she have? A I don't know.

Q Did she have a family of children living with her in Mississippi in 1830? A I don't know.

Q You don't know whether she was the head of a family there then?

A Yes, she was.

Q Do you know of any children that she had who were living in 1830?

A No sir.

Q Can you give the names of any? A No sir.

Q What is the name of her daughter, Carter, who married Carter?

A I don't remember.

Q Did she live in Mississippi in 1830 with her grandmother? A I don't know anything about it.

Q What is the name of the daughter of your great-grandmother, Stymniah, who lived in Mississippi? A My grandmother; her name was Carter; she married a Quinn.

Q How did it happen that her mother's name was Stymniah and her daughters' name was Carter? A I don't know sir.

Q Just an arbitrary name was given the daughter? A I guess so; 'cause they was married.

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, Col. 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 any of your Choctaw ancestors go from that old Choctaw nation East of the Mississippi River to the Choctaw Nation, Indian Territory between 1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation there under article fourteen of the treaty of 1830 or under any other article of that treaty or the supplement? A I never heard.

Q Did any of your Choctaw ancestors go before the Commission appointed by act of Congress approved March 3, 1837, or before the Commission appointed by act of Congress approved August 23, 1842, and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830, claiming that they had gone to Col. Ward, within six months after the ratification of the treaty of 1830 and attempted to register their names with him under that article of that treaty but that he had failed to record their names; did you ever hear anything about that? A No sir.

His failure to make a proper record of the names of those people who came before him caused many to lose the lands they had in the old Choctaw nation upon which they had improvements; both were taken from them by the Government and sold.

Q Did any of your Choctaw ancestors receive any scrip from the Government or certificates as we call them now which entitled them to select land in either Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and to take the place of the land which they had formerly held in the old Choctaw nation and which the Government had taken from them and sold? Ever hear of that? A No sir.

Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A Yes sir.

Q What is the name-- Nettie Scott? A My sister.

Here N. S. R. 502a is referred to.

Q Do you want to have your brother's application, Eugene B. Quinn, and Nettie Scott's application considered with yours? A Yes sir.

Q Is there anything more you want to say about this case? A No sir.

Q Have you any other evidence you want to introduce now in support of this claim?

(Here L. P. Hudson asks for time to introduce evidence in the near future. Reasonable time is granted.)

Q You only claim one eighth Choctaw blood and all the rest is white, aint it? A Yes sir.

Q How does it happen that you are so dark? (Usually applicants who came before the Commission claiming one eighth don't show so much Choctaw blood; can you explain that?) A No sir.

Q You claim through your father? A Yes sir.

Q Is he dark? A Yes sir.

Q And coming right down through you have retained the Indian color, have you not? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry composed of white and Indian blood

she has black eyes, black hair and very dark complexion; she looks as though she had Indian blood; she claims it is Choctaw blood and that she has no other mixture but white and Indian. She claims to be one eighth Choctaw; she looks as dark and with as marked Indian characteristics as one claiming either one quarter or one half Choctaw blood.

Q You don't understand the Choctaw language, do you? A No sir.

She does not understand the Choctaw language and has no knowledge of the compliance by her ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states, that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 3, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains.*

Subscribed and sworn to before me this 28th day of April, 1902.

*Carroll Wood*

Notary Public.

M C R 5071

COPY

Muskogee, Indian Territory, August 8, 1902.

Melissa Brim,  
Pawnee, Oklahoma.

Dear Madam:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nettie Scott, et al., embracing the following applications for identification as Mississippi Choctaws:

Nettie Scott, et al.,	M C R 5023
Eugene B. Quinn,	M C R 5070
Joseph Quinn, et al.,	M C R 5072
Melissa Brim, et al.,	M C R 5071

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 concluded as follows:

1880,

William  
Kettie  
Scott,  
Quinn,  
Erin,  
lands  
treaty  
cation

1880  
1881  
1882  
1883  
1884

You are

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

Yours truly,

(SIGNED)

James Bixby,  
Acting Chairman,

Registered,



M.G.R. 8071

COPY.

Muskogee, Indian Territory, November 7, 1902.

Melissa Brim,

Pawnee, Oklahoma.

Dear Madam:

You are hereby advised that on the 30th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nettie Scott, et al., of which decision you were advised by registered mail on the 8th day of August, 1902.

Respectfully,

(SIGNED)

*James Study*  
Acting Chairman.

No. 5071

For Identification as a Mississippi Choctaw.

Date

Name Melusia Brim

Age 24 - Blood 1/8

Post Office, Pawnee, Okla.

Father: Enoch F. Brim, d

Mother: Mary E. " d

Claims through

father

John Brim, C. W.

No claim for husband

Children:

Verita Brim, 3.

Claims for self  
and child

H. G. Ho...

Choctaw MCR 5072

. Joseph Quinn

See MCR 5023

MCR 5072

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., April 3, 1902.

5072

In the matter of the application of Joseph Quinn for the identification of himself and his four minor children, Ida, Frances E., Charley L. and Roy V. Quinn, as Mississippi Choctaws.

L.P. Hudson, att'y for applicant.

Joseph Quinn being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Joseph Quinn.  
Q Are you a brother of Eugene B. Quinn? A Yes sir.  
Q What is your age? A I am going on thirty six, I guess; I was born in 1866 the last day of June 30th.  
Q What is your post office address? A Pawnee, Oklahoma.  
Q How long have you lived in Pawnee? A Four years.  
Q Where were you born? A In Ohio I guess.  
Q Do you remember where in Ohio? A About Clyde, somewhere there.  
Q And you went where from Ohio? A We came to this country from Missouri.  
Q How long did you live in Missouri? A Well, for quite a while; I can't tell you just how long, but lived in Missouri principally up to the last two years; from Missouri we come into Vinita and round the Territory and out and went to Oklahoma.  
Q Is your father living? A No sir, dead.  
Q Is your mother living? A No sir, mother's dead.  
Q What was your father's name? A Noah Quinn.  
Q Did he have a middle name? A I think he signed his name "P".  
Q That's the way your brother gives it; do you want it that way?  
A I think it is "P".  
Q What was your mother's name? A Mary.  
Q Mary E.? A Yes sir.  
Q Through which parent do you claim your Choctaw blood? A I claim

POOR ORIGINAL -  
BEST AVAILABLE COPY

-3-

- it on my father's side.
- Q How much Choctaw blood do you claim? A One eighth about.
- Q Was your father ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory?
- A I don't know as he was.
- Q Have you proof of the marriage of your father and mother with you?
- A No sir.
- Q You can introduce that later, can you? A I think so.
- Q Do you know when and where they were married? A No, I don't know.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A Nannie Scott it was; Nannie Quinn now.
- Q Is she a white woman or Indian? A White woman.
- Q You make no claim for her? A No sir.
- Q Have you any children you want to make application for? A I have four.
- Q What is the name of the oldest? A Ida Quinn.
- Q How old is Ida? A Twelve, Frances E. is the next.
- Q How old is she? A Five years old.
- Q The next? A Charley J.
- Q Boy? A Yes sir.
- Q How old? A Six years old.
- Q The next? A Roy V. he is one year old.
- Q Is Nannie the mother of these children? A Yes sir.
- Q And you are the father? A Yes sir.
- Q Are those children living with you at your home? A Yes sir.
- Q And you and your wife are living together as husband and wife?
- A Yes sir.
- Q When were you married to her? A About thirteen in July, thirteen years.
- Q Where were you married? A Nevada Missouri.
- Q By a minister and under a license? A Yes sir.
- Q Have you proof of that marriage with you now? A No sir; I have it at home.
- Q Were either you or your wife married before? A No sir.
- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? No sir, I guess not; I know not.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 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 Do you now come before the Commission to identify yourself and 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 No sir.

The treaty of 1830 was a treaty between the United States Gov-

ernment and the Choctaw Indians who lived in the year 1830 in the old Choctaw Nation East of the Mississippi River; this treaty was made at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September that year; the object of the treaty or the principal object was the removal of all the Choctaw Indians as far as practicable from the Choctaw Nation East of the Mississippi River 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 the interests of those Choctaw Indians who elected to stay back in the old Choctaw Nation, article fourteen was drafted and put into the treaty; it reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor who complied or attempted to comply with any of the provisions of that article of that treaty, if you know of any? A Well, there's the Carters; my father's mother.
- Q Can you give the name of your relative who lived in Mississippi in 1830 and had a family there then? A Stanhy-- S-t-a-m-n-i-a-h--- I think that's the way they spell it.
- Q Indian name? A I think it is.
- Q How much Choctaw blood did this Choctaw ancestor have? A Half I think.
- Q You claim all your Choctaw blood through this relative? A Yes sir.
- Q What relation was she to you? A She would be my great grandmother.
- Q Was she head of a family in Mississippi in 1830? A Yes sir.
- Q You get that from family history? A Well, from what I learned in the family.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I can't say.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I can't say.
- 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 to 1838? A I can't say.
- Q Did any of them own any land in Mississippi or Alabama in the old Choctaw Nation or claim any there under article fourteen of the treaty of 1830 or under any other article of that treaty or under the supplement to that treaty? A I can't say whether they did or not.
- Q Did they claim any benefits as Choctaw Indians under any treaty made between the Government of the United States and the Choctaw In-

A Not that I know of. dians other than the treaty of 1830?

In 1837 by an act approved March 3, that year a Commission was appointed by Congress which went to Mississippi and heard Choctaw Indian claimants under article fourteen of the treaty of Dancing Rabbit Creek; in 1842 another Commission was appointed by Congress for the same purpose, and this Commission, by an act approved August 23, 1842, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. These Commissions were appointed by these different acts of Congress for the purpose of hearing Choctaw Indian claimants who claimed that they had gone to Col. Ward, the United States Indian agent, within six months from the ratification of the treaty of 1830 and attempted to register their names with him under article fourteen but that he neglected to make a register or place them upon any list; his neglect caused them to lose the land which they had in the old Choctaw Nation; it was taken from them and sold, and for this reason they appeared before the Commission of either 1837 or 1842 to get their rights restored under article fourteen.

Q 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 under the act approved August 23, 1842, which entitled them to select land in either Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land--- A Not that I know of.

Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A Yes sir.

Q Who is Nettie Scott? A A sister of mine.

Q She appeared March 29, to be identified as a Mississippi Choctaw? A Yes sir.

Her number is here referred to: M.C.R. 5023.

Q Is Melissa Brim your sister? A Yes sir.

Q And Eugene B. Quinn your brother? A Yes sir.

Q These are your relatives who have been before the Commission? A Yes sir.

Q Wantt heir cases considered and consolidated with yours? A Yes sir.

Q Understand or speak the Choctaw language? A No sir.

Q Is Melissa Brim your full sister having the same father and mother? A Yes sir.

Q Also Eugene B. Quinn and Nellie Scott? A Yes sir.

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

Q Do you want a little time in which to introduce evidence in support of your claim? A Yes sir.

Reasonable time will be allowed for that purpose.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has large black eyes, brown dark brown hair- complexion is dark, somewhat sunburnt; he has no knowledge of the Choctaw language and no knowledge of the compliance on the part of any of his ancestors with any of the provisions of article fourteen of the treaty of 1830. His sister Nettie Scott appeared before the Commission March 29, to be identified as a Mississippi Choctaw,- she was light in complexion, light eyes, light hair, showing no Choctaw blood: the sister of this applicant, Melissa Brim, who appeared before this Commission today and made application to be identified as a Mississippi Choctaw; she is a full sister of Nettie Scott and Eugene B. Quinn-- is very dark, dark eyes, dark hair and shows, in the opinion of the Commission, her Choctaw Indian blood, as did also her brother Eugene B. Quinn, although not so dark as his sister. This applicant, however, a full ~~xxx~~ brother of Melissa Brim and Eugene B. Quinn, does not show his Choctaw Indian blood in so marked a manner.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 3, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains.*

Subscribed and sworn to before me this 29th day of April, 1902.

*Charanutehallowood*

Notary Public.



COPY.

Muskogee, Indian Territory, August 8, 1902.

Joseph Quinn,

Pawnee, Oklahoma.

Dear Sir:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hettie Scott, et al., embracing the following applications for identification as Mississippi Choctaws:

Hettie Scott, et al.,	M C R 5023
Eugene B. Quinn,	M C R 5070
Joseph Quinn, et al.,	M C R 5072
Melissa Brim, et al.,	M C R 5071

These applications were made under the provisions of the act of Congress of June 20, 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:

J 9-2.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nettie Scott, Ella Scott, Harrison Scott, Walter Scott, Willie Scott, Eugene E. Quinn, Joseph Quinn, Ida Quinn, Frances E. Quinn, Charley L. Quinn, Roy V. Quinn, Malissa Brim and Venita Brim, as Cheatew Indians entitled to rights in the Cheatew 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 report in this case to the Secretary of the Interior for review and you will be advised in due time of such action as may be taken by him.

Very truly,

(SIGNED)

*Tamie Dixey.*  
Acting Chairman.

Registered.

M.C.R. 5072

COPY.

Muskogee, Indian Territory, November 7, 1902.

Joseph Quinn,

Pawnee, Oklahoma.

Dear Sir:

You are hereby advised that on the 20th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nettie Scott, et al.. of which decision you were advised by registered mail on the 6th day of August, 1902.

Respectfully,

(SIGNED).

*Tama Birtch*  
Acting Chairman.

No 5072

For Identification as a Mississippi Choctaw.

Date APR 3 1902

Name Joseph Quinn

Age 36 Blood 1/8

Post Office, Pawnee, Okla

Father: Enoch F. Quinn, d

Mother: Mary E. " d

Claims through father  
wife, Nannie Quinn, l. w.

No claim for wife,

Children:

- Ida Quinn, 12
- Frances E " 9
- Charley L " 6
- Roy V. " 1

Claims for  
self and children.

Choctaw MCR 5073

Aurie J. Bradburn

MCR 5073

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

-----

In the matter of the application of Aurie J. Bradburn,  
et al., for identification as Mississippi Choctaws

M.C.R. 5073

-----

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

-----

Record in the application of Aurie J. Bradburn, et al.,  
for enrollment as citizens of the Choctaw Nation, from pages  
1 to 15 inclusive, embracing:

Original application of Aurie J. Bradburn, et al., to  
the Dawes Commission for enrollment as a Choctaw,  
taken at South McAlester, Indian Territory

Additional testimony of Aurie J. Bradburn, et al., the  
Dawes Commission for enrollment as a Choctaw, taken at  
Muskogee, Indian Territory October 27, 1899

Letter of Acting Commissioner of Indian Affairs to  
Aurie J. Bradburn dated August 27, 1899

Letter of Acting Commissioner of Indian Affairs to J.M.  
Bradford dated September 20, 1899

Letter of the Commission to the Five Civilized Tribes  
to Aurie J. Bradburn dated August 9, 1899

Page

1

2

3

4

5

5073  
 Substitute this for the  
 Second page already filed  
 corr.

Certificate of Dr. S. D. Dodson dated Sept. 11, 1899 .. 8

Affidavit of Aurie J. Bradburn dated September 5, 1899, ..... 9

Certified copy of marriage license and certificate of Joe Bradburn and Ira Miller ..... 10

Affidavit of John H. Miller dated July 25, 1899, .. 11

Copy of judgment by the United States Court, for the Central District of Indian Territory, in the case of Henry E. Miller, et al., vs. the Choctaw Nation, dated August 25, 1897 ..... 12

Affidavit of Rachael M. Bradburn dated Sept. 5, 1899 13

Affidavit of Susan J. Johns dated May 11, 1899 ..... 14

Affidavit of Belle Macon dated August 3, 1899, ..... 15

Copy of letter of the Commission to Aurie J. Bradburn allowing thirty days in which to file affidavit ..... 16

Registry return receipt of Aurie J. Bradburn ..... 18

Affidavit of Aurie J. Bradburn ..... 19

Affidavit of Henry E. Miller ..... 20

Affidavit of Sallie Miller ..... 21

Affidavit of John H. Miller ..... 22

Original application of Aurie J. Bradburn, et al., before the Dawes Commission for identification as Mississippi Choctaws ..... 23

Certified copy of marriage record between J. J. Miller and Mary McGaughy ..... 30 &

Decision of the Commission refusing the application of Aurie J. Bradburn, et al., for identification as Mississippi Choctaws ..... 31

Commission to the Five Civilized Tribes,  
South McAlester, Indian Ter.

In the application of Aurie J. Bradburn for enrollment as a  
Choctaw; ~~being~~ J. W. Bradburn being sworn and examined by Com'r  
McKennon testifies as follows:

- Q What is your name? A J. W. Bradburn.  
Q How old are you? A Twenty-nine.  
Q She is not on the Choctaw rolls? A No sir.  
Q Never has been? A No sir.  
Q Her father and mother are not? A I don't know.  
Q Where is she living now? A In Oklahoma; she has been there  
all this season.  
Q Where did she go from to Oklahoma? A Chickasaw Nation.  
Q How long did she live in the Chickasaw Nation? A Nineteen  
years.  
Q You are her husband? A Yes sir.

Com'r McKennon: Enrollment is refused.

-----

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as  
stenographer to above named Commission, that this  
transcript is a true, full and correct translation of  
my stenographic notes.

*M. D. Green*



Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

October 27, 1899.

In the enrollment of Aurie Bradburn as Choctaw; being sworn and examined by Com'r McKannon she states:

Q What is your name? A Aurie Bradburn.

Q How old are you? A Twenty-six.

Q You claim Choctaw citizenship? A Yes sir.

Q Have ever you been admitted to citizenship in the Choctaw Nation by the courts? Or by the Choctaw Council? A No sir.

Q Have ever you been enrolled in the Choctaw Nation as a citizen?

A No sir.

Q What degree of blood do you claim? A I couldn't tell you.

Q You don't know how much blood you have then? A No sir.

Q Do you claim through your father or your mother?

A My father.

Q Is he living? A No sir, he is dead.

Q Where did he die? A He died in the Territory.

Q When? A In 1885.

Q How long had he been living in the Territory when he died?

A I couldn't tell you exactly how long.

Q Where were you born? A In Texas.

Q How old were you when you left Texas? A I was about seven years old.

Q Your father moved out of Texas did he when you were seven years old into the Territory? A Yes sir.

Q Was ever he recognized and enrolled as a citizen?

A No sir, he has never been.

Q Do you know whether you have any Choctaw blood at all or not?

A No sir, I don't know that I have; all I know is the proof by my uncle and my brother.

Auric Bradburn (2)

Q Are you a sister to Mrs. Belle Mason? A Yes sir.

Q Have you been living in the Territory ever since your father died? A All except three years; I lived in Oklahoma three years

Q Are you living there now? A No sir, I have moved back to the Territory.

Q When did you move back to the Territory? A Part of the things was moved the first of this month.

Q When did you come down from Oklahoma to the Chickasaw Territory? A I left the Territory last Sunday, and I had been there eleven days, that is, Sunday would have been eleven days.

Q You moved from Oklahoma into the Chickasaw Nation about three weeks ago did you? A Yes sir, we moved down the first of this month.

Q You came down there yourself? A No sir, I didn't go; my husband took most of the things first and then I went, a week, I believe, after he went down.

Q Did you go back and live in Texas for any length of time since your father moved over into the Territory? A No sir.

Q What year did you go to Oklahoma? A It was in 1897.

Q That would be two years ago, you said three years ago awhile ago? A Wouldn't it be three in November.

Q No man, it will be two; you went there in November did you?

A It was in November.

Q Your husband says ~~ye~~ that you went there in November, 1896, is that correct? A Yes sir.

Q Did your sister go with you there at that time? A No sir, she came there after we moved there.

Q How many children have you? A I have four.

Q What is the eldest one's name? A Grace, she will be seven in November.

Q What is the next one? A Stella, she will be six in February

Auria Hodgson (23)

Q What is the next one's name? A Walker, he was three in July.

Q What is the next one? A George, he was five weeks old yesterday.

Q Where were these children born? A They was all born in the Territory except George, he was born in Oklahoma.

Com'r McKennon: Enrollment is refused.

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

M. D. Green

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. April 4, 1902.

5073

In the matter of the application of Aurie J. Bradburn for the identification of herself and her four minor children, Gracie, Stella, Walter and Georgie Bradburn, as Mississippi Choctaws.

Applicant not represented by attorney.

Aurie J. Bradburn, being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Aurie J. Bradburn.  
Q What is your age? A Twenty nine years old.  
Q What is your post office address? A Hart, Indian Territory.  
Q How long have you lived there? A I have been raised there; I was just a baby when I came there; I have been there except a few years I lived there in Oklahoma; I was born in Texas.  
Q Where in Texas were you born? A In Mountain Peak Texas.  
Q At what age did you go to the Indian Territory? A I can't remember just what age; I was small.  
Q When did you live in Oklahoma? A It has been five years ago; I lived there two years.  
Q And you lived in the Territory how long now since you came back?  
A Three years.  
Q Is your father living? A No sir.  
Q Is your mother living? A No sir.  
Q What was your father's name? A James Miller.  
Q What was your mother's name? A Mollie Miller.  
Q Through which parent do you claim Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A Why, its my great grandmother that I get my rights through I don't know just how much that would be.  
Q Do you know how much she had? A She was a full blood.  
Q Well, your grandmother would be a half of her mother, that would be a half; and your father would be a half of your grandmother, wouldn't he? A Yes sir.

Q Do you think you would be an eighth? A Well, I wouldn't be positive whether she was that much or not; I don't know; only what I have been taught.

Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No sir.

Q Have you proof of the marriage of your father and mother with you? A No sir.

Q Do you think you can introduce that proof later, if given reasonable time; do you think you can send it to the Commission? A Yes; I think I can.

Reasonable time will be allowed for that purpose.

Q Do you know when and where your father and mother were married? A No sir.

Q Do you know whether they were married by a minister and under a license? A No sir, I don't.

Q Are you married? A Yes sir.

Q Your husband is living is he? A Yes sir.

Q Is he a white man or Indian? A White man.

Q What is his name? A J.W. Bradburn.

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

Q What is the name of your oldest child for whom you wish to make application? A Gracie Bradburn.

Q How old is Gracie? A Nine years old.

Q The next? A Stella.

Q How old is Stella? A She is eight.

Q The next? A Walter.

Q How old is Walter? A Six years.

Q The next? A Georgie.

Q Boy? A Yes sir; two years.

Q You claim for yourself and these children, do you? A Yes sir.

Q Is your name or the name of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory; ever been enrolled? A No sir.

Q Is J.W. Bradburn the father of these children? A Yes sir.

Q And his he and are they living with you at your home? A Yes sir.

Q Were either you or your husband married previous to your marriage with each other? 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 the Indian Territory? A Yes sir.

Q Where did you make application? A I was here once before.

Q Before the Dawes Commission? A Yes sir.

Q But the question was, did you ever make application or did any one for you or your children to the Choctaw tribal authorities?

A Yes sir; when my uncle got his right.

Q What is your uncle's name? A Henry E. Miller.

Q Did he make application to the Choctaw tribal authorities, to the

Choctaw Nation to be enrolled for you or for your children? A Yes sir.

Q Where did he go to make that application? A As near as I can remember, it seems like it was McAlester.

Q Do you remember the time? A -----

Q What is your uncle's name? A His name is Henry E. Miller.

Q And you say he made an effort to have an application presented to the Choctaw council for you and your children? A He told me that he tried to have my name put down with his name but they refused because I was in Oklahoma.

Q Where was this? A I don't remember just where it was, at McAlester or where; he was living at McAlester.

Q Was he afterwards admitted as a member of the Choctaw tribe of Indians by either a council of that tribe or a judgment of the United States Court? A I think he was.

Q How? A He was admitted as a Mississippi Choctaw; he was enrolled.

Q Not as a Mississippi Choctaw; as a Choctaw by blood wasn't he?

A Yes sir.

Q Was he admitted by judgment of the Court of United States? A Yes sir.

Q When and where, do you know? A No sir, I don't

Q Your name and the names of your children did not appear at that time; no action was taken by any council or Court in regard to your case, was it? A No sir.

Q Was an application made for you for enrollment and for the enrollment of your children as citizens by blood of the Choctaw Nation by your husband, J.W. Bradburn? A Yes sir.

Q Did he appear before the Commission at South McAlester, Indian Territory, during the month of September, 1899, and make that application for you and your children? A Yes sir.

Q What was done to and with that application? Was it refused?

A Yes sir; it was refused.

Q Did you yourself make an application on the 27th day of October 1899, before the Commission at Muskogee, Indian Territory, seeking to become enrolled as a member of the Choctaw tribe of Indians and also for the enrollment of your children as Choctaws by blood? A Yes sir.

Q What was done with that application at that time, do you remember? Was it refused? A It was refused.

Q Remember on what grounds it was refused? A They told me they refused me on account of being in Oklahoma at the time the Curtis Bill passed.

The records in the possession of the Commission show that on the 27th day of October, 1899, at Muskogee, Indian Territory, this applicant made application for herself and her minor children for enrollment as a citizen by blood of the Choctaw nation; at the time of said hearing a notice appears upon the records: "Enrollment is refused." This enrollment was refused at that time by Commissioner McKennon.

Q You received notice of this refusal, didn't you? A Yes sir.

- Q When did you receive notice that your application was refused?  
A Why, they just told me when I was here before.  
Q Did you get written notice? A No sir; they only told me.  
Q You are the same R.A. Bradburn, are you not, who made application for enrollment as a Choctaw by blood for yourself and children October 27, 1899, before the Commission at Muskogee? A Yes sir.

Field No. R. 37 is here referred to, - also the records in the case of this applicant made before the Commission at that time and the papers that were subsequently filed referred to.

- Q Do you want to have the record made in this case of your application before the Commission on October 27, 1899, and all the papers filed now made a part of this present application? A Yes sir.  
Q You now come before this Commission claiming to be identified as a Mississippi Choctaw under article fourteen of the treaty of 1830?  
A Yes sir.  
Q And you make this application also for your children, do you?  
A Yes sir.  
Q Do you understand that article of that treaty? A No sir, I don't.

The treaty of 1830 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. This treaty was made for the special purpose of removing all the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation, Indian Territory. It was a treaty made between the United States Government through its representatives and the Choctaw tribe of Indians who lived in Mississippi at that time and in Alabama, through its representatives. 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 the interests of those Indians who remained back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. That article was made for the special benefit of those Choctaw Indians who elected to remain in the old Choctaw Nation East of the Mississippi River after the treaty of 1830 was ratified. 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 y think you understand that article-- well enough to claim under it? 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 The Harkenses.
- Q What is the full name? A William Harkens.
- Q What relation to you is he? A His sister is Sarah Hawkins.
- Q What relation is he to you? A His sister is my great grandmother.
- Q Well, do you claim through his sister then instead of William Hawkins? A Yes sir.
- Q What is your great grandmother's name? A Sarah Hawkins; she married a Curtis.
- Q What was that Curtis' full name? A I don't remember.
- Q Was the husband of Sarah Hawkins, this man Curtis, a white man? A I don't know.
- Q You claim your Choctaw blood through Sarah Hawkins, don't you? A Yes sir.
- Q Then you ought to know whether her husband was a white man or not; you don't claim anything through him, do you? A No sir.
- Q How much Choctaw blood did Sarah Hawkins or Sarah Curtis have? A I don't know; can't tell you.
- Q Did she live in the State of Mississippi in 1830? A That's what I have been taught.
- Q Was she the head of a family there then; that is, did she have children? A Yes sir.
- Q Do you know anything about who her children were who-- A She had one girl whose name was Katie I reckon.
- Q Whom did she marry? A She married a Miller Edward Miller.
- Q Did they have any children? A Had seven children.
- Q Was your ancestor among them? A One of their children was my father James Miller.
- Q Did your father ever live in the State of Mississippi? A I don't know.
- Q Did any others of his ancestors live in Mississippi except your great grandmother, Sarah Hawkins or Curtis? A I can't tell you.
- Q How old would she be if living now-- Sarah Hawkins or Curtis? A I can't tell you how old.
- Q Where was your father, James Miller, born? A --
- Q If you know? A I don't know, no sir.
- Q Where did he die? A In the Indian Territory.
- Q How old was he when he died? A I can't say just how old he was.
- Q Your name or the name of your children have never been placed upon the rolls of the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I can't say whether they did or not.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I can't say.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation in the Indian Territory with the other Indians between 1853 to 1838? A I can't



answer that.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I can't tell you.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under any other article of that treaty or under the supplement to that treaty? 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 Indians other than the treaty of 1830? A I can't say; I don't know.

The members of the Choctaw tribe who lived in the old Choctaw Nation, East of the Mississippi River were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward, within six months from the ratification of that 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 Col. Ward failed to put upon his list known as Ward's register; his failure to do this caused many Indians to lose land in Mississippi in the old Choctaw Nation upon which they had improvements; both were taken from them by the Government and sold at its Public Land Sales; this caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3, that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of that treaty; in 1842 another Commission was appointed for the same purpose by an act approved August 23, 1842, and this Commission also went to Mississippi and heard claimants under article fourteen.

Q Did any of your Choctaw ancestors go before either of these Commissions, that of 1837 or 1842, and claim benefits as Choctaw Indians under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

Q Can you give the name of all your relatives who have been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A I think I can. My uncle is H.E. Miller; his wife is named Sallie Miller; James Miller was his oldest son and wife, I don't remember just what her name was.

Q Any others? A Edward Miller; that's his next oldest son, and wife.

Q Remember his wife's name? A Lilly Miller.

Q Any others? A Will Miller and wife.

Q What was the wife's name? A I don't know the name.

Q Any others? A Sudie Miller- that's his daughter; Jesse Miller, it is a boy.

Q Any others? A My brother James H. Miller and his wife is Eva Miller.

- Q Any others? A Their oldest child? Francis Miller. Jennie Miller is the next.
- Q Next? A Newton Miller- that's their next child and Pearl.
- Q Is that all? A That's all I can call over; there's more of the children but I can't call their names.
- Q You claim your right for identification as a Mississippi Choctaw for yourself and children under the Curtis Bill, do you not? Section 21 which authorized this Commission to hear applications for identification of those who claim to be descended from Mississippi Choctaw ancestors? A Yes sir.
- Q You don't claim anything then, by virtue of the fact that any of your relatives have been admitted by judgment of the United States Court, do you? ----
- Q That action in their cases has no bearing upon your case at present, has it? A I don't know.
- Q You are advised by the Commission that it is a separate action. A Yes sir.
- Q You rest your claim upon your rights as a Mississippi Choctaw, don't you? A Yes sir-- and that land--?
- Q Did any of your Choctaw ancestors receive any scrip from the United States Government or certificates as we would call them which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana to be taken from vacant Government land to replace the land which they had formerly held in the old Choctaw Nation and which the Government had taken from them and sold? A I can't say.
- Q Have any of your relatives appeared before the Commission to the Five Civilized Tribes to be identified as Mississippi Choctaws claiming under article fourteen of the treaty of 1830 before this application made by you? Have any of your relatives applied as Mississippi Choctaws-- not Choctaws by blood; ; Mississippi Choctaws? A I don't know whether they have or not. None that I know of.
- Q Have any of your relatives been before the Commission in any manner to make application for citizenship by blood, or in any other way of the Choctaw Nation? A No ; I can't say.
- Q Have you any evidence; any further evidence in this case; have you any papers you want to present now? A No sir.

Reasonable time will be allowed this applicant to introduce it.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you anything more you would like to say in support of this claim? Is there anything you want to say? A I reckon not.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, medium fair complexion, brown hair; she does not understand the Choctaw language and has no knowledge of the compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer

to the Commission to the five Civilized tribes he reported in full the proceedings had in the aboveentitled cause on April 4, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Davis

Subscribed and sworn to before me this 29th day of April, 1902.

Charmitchellwood

Notary Public,

L. J.  
Coll.

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

-----

In the matter of the application of Aurie J. Bradburn, et al., for identification as Mississippi Choctaws, M.C.R. 5073.

--: 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 Aurie J. Bradburn for herself and her four minor children, Gracie, Stella, Walter, and Georgie Bradburn, under the following provision of the act of Congress approved June 20, 1898 (30 Stat., 495):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Sarah Curtis (or Curtice), nee Hawkins, 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, 1897 (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 Sarah Curtis (or Curtice), nee Hawkins, 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 Aurie J. Bradburn, Gracie Bradburn, Stella Bradburn, Walter Bradburn and Georgie Bradburn, as Choctaw Indians entitled 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,

HELD IN

Tama Birby.

Acting Chairman.

SIGNED

T. B. Needles.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

DEC 8 1902

---

Department of the Interior,  
Commission to the Five Civilized Tribes.

In the matter of the application of Aurie Bradburn for the enrollment of herself and her minor children, Grace, Stella, Walter, and George Bradburn, as citizens by blood of the Choctaw Nation.

D e c i s i o n .

J. W. Bradburn appeared before the Commission at South McAlester, Indian Territory, and there, during the month of September, 1899, made application for the enrollment of his wife as a citizen of the Choctaw Nation. On the 27th of October, 1899, his said wife, Aurie Bradburn, appeared before the Commission at Muskogee, Indian Territory, and there made application for the enrollment of herself and her four minor children, Grace Bradburn, Stella Bradburn, Walter Bradburn, and George Bradburn, as citizens by blood of the Choctaw Nation.

It appears from the evidence that the said children, Grace Bradburn, Stella Bradburn, Walter Bradburn, and George Bradburn, claim the right to enrollment as descendants of said Aurie Bradburn.

It further appears from the evidence, and the records in the possession of the Commission, that the names of the applicants have never been on the tribal rolls of the Choctaw Nation; and it does not appear that the applicants were ever admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation. It further appears from an examination of the records in this case, and the evidence in the case, that the said applicants were never admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the act of Congress of June 10, 1896; or by the United States Court in Indian Territory on appeal from the decision of the tribal authorities, or the decision of the Commission.

It further appears that the applicants did not remove to and in good faith settle in the Indian Territory as provided in the act of Congress approved June 28, 1898, (Curtis Bill), as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Therefore, the application which Aurie Bradburn makes for the

enrollment of herself and her children, Grace Bradburn, Stella Bradburn, Walter Bradburn, and George Bradburn, as citizens by blood of the Choctaw Nation, is hereby refused.

The Commission to the Five Civilized Tribes,

Acting Chairman.

Muskogee, Indian Territory,

This the \_\_\_\_\_ day of \_\_\_\_\_, 1901.



Muskogee, Indian Territory, April 20, 1908.

Aurie Bradburn,

Storey, Indian Territory,

Dear Madam:

The Commission is in receipt of your letter of April 16, stating that you made application to be enrolled as a Choctaw on October 27, 1898, at Muskogee, and were refused; that you left all your papers showing your rights with the Commission for review by the Department of the Interior, and requesting to know if the same has yet been laid before the Secretary of the Interior.

You are informed that the records of the Commission show that the facts stated in your letter are true, and that you were refused enrollment by this Commission October 27, 1898. All the papers in your case are now on file with the Commission and will be forwarded to the Secretary of the Interior when the papers of all parties listed for enrollment as Choctaws are brought before him for review. This will not be for some time to come, and until then there can be no further action taken by the Commission in regard to your case.

Yours truly,

Acting Chairman.

In replying to this letter,  
please refer to Choctaw R 37

A. J. P. 2.

Muskogee, Indian Territory, May 29, 1900.

Auril J. Bradford,

Midland, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of May 26th, in which you request to be informed if there will be any chance for you to bring witnesses before the Commission at Colbert to testify in behalf of your claim to citizenship in the Choctaw Nation; and also, if you can hold land until your claim is decided by the Interior Department. You are informed that the records of the Commission show that your application for enrollment as a citizen of the Choctaw Nation was refused by this Commission October 27th, 1899, when you appeared at this place as such applicant. There were filed, however, in the matter of your application, on May 19, 1900, a number of exhibits and letters transmitted by the Commissioner of Indian Affairs which will be forwarded to the Secretary of the Interior when the final rolls of the Choctaw Nation are sent to him for review.

The Commission wrote you on April 20th, stating that it would be some time before the parties denied citizenship by the Commission would have their papers forwarded to the Secretary of the Interior, and that until that time, no further action could be taken by this Commission in your case. The action of the Commission in re-

A.J.B. 3.

...ing to enroll you must stand until the final action of the Secretary of the Interior, and pending such action, you would not be considered as entitled to any of the rights of citizens of Choctaw Nation, and therefore would not be allowed to hold land in that Nation.

Yours truly,

Acting Chairman.

In reply to this letter,  
please refer to 7-R 37

Muskogee, Indian Territory, October 10, 1900.

Aurie J. Bradburn,  
Midland, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 5th instant, in which you state that you have seen a letter from this Commission stating that the case of S. T. Liney is to come before the Commission at Atoka, December 3rd, 1900 and in which you ask to be informed if all cases refused by this Commission will be given a hearing at that time and place.

You are informed that the only cases which will be considered at the session of the Commission at Atoka, commencing December 3rd next, will be cases of parties whose rights have been considered as doubtful up to this time and against whose final enrollment the Choctaw and Chickasaw Nations have objected.

Yours truly,

Acting Chairman.

7-R-37

Muskogee, Indian Territory, March 7, 1902.

Marie J. Bradburn,

Hart, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st instant, replying to our communication of February 16, 1902, advising you that you would be allowed thirty days from said date in which to submit to the Commission an affidavit corroborated by two witnesses, showing that you and your two children are entitled to be identified as Mississippi Chectaws under the provisions of the act of Congress of June 28, 1898.

With your letter of the 1st instant you submit your affidavit corroborated by the affidavits of Henry F. Miller and Nellie Miller, in which it is claimed that you and your four minor children are the descendants of Mississippi Chectaw Indians who resided in the state of Mississippi in 1830 and in all things complied with the provisions of article fourteen of the treaty of 1830 between the United States and the Chectaw Nation. Such affidavits have this day been filed with the other records in the matter of your application for the enrollment of yourself and your children as citizens of the Chectaw Nation and if it is your

A J B 2

intention to prosecute the rights of yourself and children to identification as Mississippi Choctaws, it will be necessary for you to personally present yourself before the Commission for the purpose of an examination under oath so that a sufficient record may be made upon which the rights of yourself and children to such identification can be determined.

It does not appear from the record in this case that you or your children have ever been enrolled as citizens of the Choctaw Nation or that you have ever been duly and lawfully admitted to Choctaw citizenship by either the tribal authorities of the Choctaw Nation, the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory in accordance with the act of Congress of June 10, 1896.

In this connection your attention is invited to the following provision of the act of Congress of May 31, 1900:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

The fact that certain of your relatives have been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory, does not confer upon you and your children any rights to such citizenship and if you claim rights to enrollment and to identification as Mississippi

A 2 2 2

As the descendants of Chester Indians who complied with the provisions of the fourteenth article of the Treaty of 1830 between the United States and the Choctaw Nation, it will be necessary for you to personally appear before the Commission for the purpose of an examination under oath, which appearance should be made at Muskogee, Indian Territory within thirty days from the date hereof.

Yours truly,

Commissioner in Charge.

100-100000

Muskogee, Indian Territory, March 29, 1906.

Auric J. Bradburn,

Trasker, Oklahoma Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 22nd instant, enclosing the affidavit of John H. Miller, and the same has been duly filed with the records of this office in the matter of your application for the enrollment of yourself and your minor children as citizens of the Choctaw Nation.

Yours truly,

Commissioner in Charge.



Miss. Choctaw R5073

Muskogee, Indian Territory, June 20, 1902.

Auric J. Bradburn,  
Manitou, Oklahoma.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 16, stating where your father and mother were married, and asking if it is necessary for you to forward to the Commission the certificate of their marriage.

In reply to your letter you are advised that it appears from your testimony that you derive your Choctaw blood from your father. You should therefore forward certificate of the marriage of your father and mother, or a certified copy thereof, for filing with the records in your case.

Yours truly,

Commissioner in Charge.

W S R 2078.

Muskogee, Indian Territory, August 13, 1902.

Marie J. Bradburn,

Hart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th inst., enclosing certified copy of the marriage record between J.J. Miller and Mary McLaughy, which you offer for filing in support of the application made by you for the identification of yourself and your minor children as Mississippi Choctaws.

The same has been filed with the record in this case.

Yours truly,

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 3, 1902.

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

Gentlemen:

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Aurie J. Bradburn, 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 Aurie J. Bradburn, Gracie Bradburn, Stella Bradburn, Walter Bradburn and Georgie Bradburn as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the application for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED)

*Tamc Doby.*

Acting Chairman.

COPY.

M.C.R. 5073

Muskogee, Indian Territory, December 3, 1902.

Aurie J. Bradburn,  
Cook, Oklahoma.

Dear Madam:

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Aurie J. Bradburn, 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 Aurie J. Bradburn, Gracie Bradburn, Stella Bradburn, Walter Bradburn and Georgie Bradburn as Choctaw Indians entitled 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, together with such arguments, will be forwarded for review  
to the Secretary of the Interior through the Commissioner of Indian  
Affairs.

Respectfully,

(SIGNED)

*Tame Dixby*

Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, December 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Auris J. Bradburn, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 3, 1902.

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

Respectfully,

Through the  
Commissioner of Indian Affairs.

Enc.: M. C. R. 5073.

*T. D. Needles.*

COMMISSIONER IN CHARGE

~~Acting Commissioner~~

Miss. Chootaw 5073

Muskogee, Indian Territory, September 24, 1902.

Aurie J. Bradburn,  
Cook, Oklahoma,

Dear Madam:

Receipt is hereby acknowledged of your letter of September 18, asking whether the marriage certificate of your parents, James J. Miller and Mary McGaughey has been received by the Commission.

In reply to your letter you are informed that it appears from our records that on August 13, 1902, certified copy of the marriage license and certificate between J. J. Miller and Mary McGaughey was received, and receipt was acknowledged to you at Hart, Indian Territory.

Respectfully,

Acting Chairman.

(COPY)

Land  
75909-1902.

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

February 10, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Aurie J. Bradburn, for herself and four children, Gracis, Stella, Walter and Georgia Bradburn, wherein a decision adverse to the applicants was rendered by the Commission on December 3, 1902.

It appears from the evidence in this case that the applicants base their claim to, identification upon their descent from one Sarah (Hawkins) Curtis, who, it is claimed was a citizen of the Choctaw Nation and resided in Mississippi or Alabama in 1830.

The Commission bases its decision rejecting these parties on the ground that the name of Sarah Curtis, nee Hawkins, is not found upon the list of those persons who complied or attempted to comply with the previ-



sions of the 14th article of the treaty of 1830.

An examination of the records of this office discloses the fact that the name of Sarah (Hawkins) Curtis is not included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and it is recommended that the decision of the Commission rejecting these parties be approved.

Very respectfully,

A. C. Tonner

Acting Commissioner.

H.B.H. H'r.

2 enclosures.

B. C. No. 6984-1903.

(COPY)

DEPARTMENT OF THE INTERIOR. EAF.  
WASHINGTON.

ITD. 1606-1903.  
L R S

March 9, 1903.

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

Gentlemen:

December 19, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of Aurie J. Bradburn and her minor children, Gracie, Stella, Walter and Georgie Bradburn, including your decision of December 3, 1-02, denying the application.

The applicants claim rights in Choctaw lands under Article 14 of the treaty of September 27, 1830, by reason of being descendants of Sarah Curtis (or Curtice), nee Hawkins, alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Sarah Curtis, or an ancestor less remote, complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 11, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The department has reviewed the whole record and hereby affirms the decision rendered.

Respectfully,  
(Signed)  
F. L. Campbell  
Acting Secretary.

1 inclosure.

M. C. R. 5073

COPY.

Muskogee, Indian Territory, March 31, 1903.

Aurie J. Bradburn,

~~Cook, Okla. Ter.~~

*Remailed. Cook Okla. April 3, 1903*

Dear Madam:

You are hereby notified that on the 9th 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 Aurie J. Bradburn, et al., of which decision you were advised by registered mail on the 3rd day of December, 1902.

Respectfully,

(SIGNED).

*Tame Bixby.*  
Chairman.

M. C. R. 5073

COPY

Muskogee, Indian Territory, March 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South Walker, Indian Territory.

Gentlemen:

You are hereby notified that on the 9th 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 Aurie J. Bradburn, et al., of which decision you were advised by mail on the 3rd day of December, 1902.

Respectfully,

(SIGNED).

*Tame Bixby.*  
Chairman.

M C R 6073

Muskogee, Indian Territory, May 17, 1905.

Aurie J. Bradburn,  
Remus, Oklahoma.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 8th instant, requesting the return of all papers filed in the matter of your application for identification as a Mississippi Choctaw.

In reply you are informed that the record in your case is now in the hands of the Department and the Commission is therefore unable to comply with your request.

Respectfully,

Chairman.

INDIAN LAND AND MONEY  
MEMPHIS, 1-4-38  
Re: Marriage License for  
JOE BRADBURN and  
IRA MILLER,  
Mississippi Choctaw  
McGee 5073.

January 8, 1938.

Langage, Oklahoma.

The Honorable,  
The Commissioner of Indian Affairs.

Dear Mr. Commissioner:

Our records show that one Aurie J. Bradburn made application for the enrollment of herself and children, Gracie, Stella, Walter and Georgie Bradburn, as Mississippi Choctaw, and that their application was rejected by Departmental decision of December 3, 1902. It further appears that the entire record in this case, Aurie J. Bradburn, et al., McGee 5073, was forwarded to the Honorable Secretary of the Interior on December 19, 1902.

This record includes the marriage license between Joe Bradburn and Ira Miller. Mrs. J. W. Bradburn (Aurie J. Bradburn) or Ira Miller Bradburn, asks for the return of her marriage license. It does not appear that a copy of this instrument was retained for our files, and I respectfully request that the marriage license, or that two certified copies thereof, be mailed this office.

Respectfully,

Superintendent.

INDIAN LAWS AND CUSTOMS  
SERIES 1-6-35  
No: Marriage License  
# 5073

January 6, 1928.

Washburn, Oklahoma.

Mrs. J. W. Washburn,  
Woodmont Springs, Colorado.

Dear Mrs. Washburn:

Receipt is acknowledged of your letter of January 5th in which you say that some time between 1900 and 1906 you were trying to prove your Indian rights, and left your marriage license in this office.

I believe that you made application for enrollment as Mississippi Choctaw under the name of Anna J. Washburn for yourself and your children, and which was refused by the decision of the Secretary of the Interior on December 3, 1904. It further appears that the records in the case were forwarded to the Department at Washington on December 19, 1908, and have not been returned. I am today writing the Honorable Commissioner of Indian Affairs asking, if possible, that the marriage license of Joe Washburn and Ira Miller be returned.

Respectfully,

Superintendent.

EDGAR LAM AND MARY  
MILLS 3-20-28  
Including Marriage License  
Issued to JOE STANFORD and  
IVA HILL.

2811.

March 14, 1928

Mrs. J. W. Bradford,  
Steamboat Springs, Colorado

Dear Mrs. Bradford:

On January 8, 1928, you asked for the return of your  
Marriage License stating that you filed it sometime between  
1908 and 1906. You were informed that this instrument had  
been forwarded to the Department at Washington, D. C. It  
has now been returned and it is enclosed herewith. A copy  
has been made for our files.

Respectfully,

Superintendent.

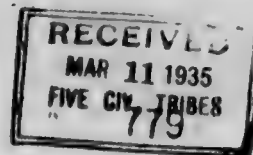


REFER IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE  
COMMISSIONER OF INDIAN AFFAIRS

L - 0  
2096-35

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON



Mr. A. M. Landman

MAR -7 1935

Supt., Five Civilized Tribes Agency

My dear Mr. Landman:

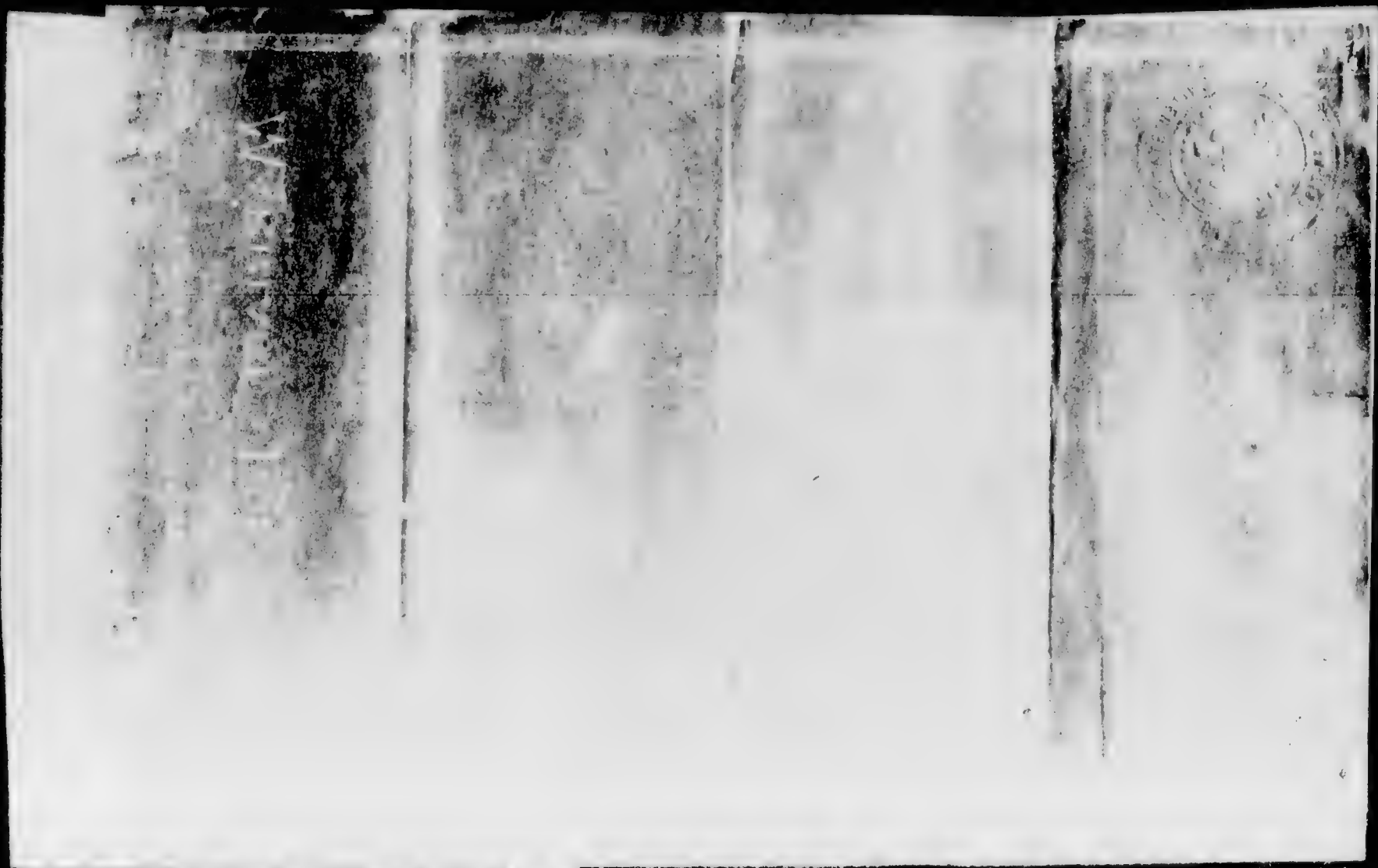
In response to request contained in your agency letter of January 8 there is sent you herewith marriage license issued for marriage of Joe Bradburn and Iva Miller (Aurie J. Bradburn). This license was filed by Mrs. Bradburn in connection with her application for enrollment as a Mississippi Choctaw Indian.

Photostat copy of the license is being kept in our file.

Sincerely yours,

*J. M. Stewart*  
J. M. Stewart  
Chief Land Division

Enclosure 512874



No. \_\_\_\_\_

# LICENSE

Person Authorized by \_\_\_\_\_  
Solemnize Marriages—Granting

the Rite and publish the Bonds of Matrimony  
of Ernet  
assisted by \_\_\_\_\_  
of Ernet  
examination \_\_\_\_\_  
rites therein named.

Chief of \_\_\_\_\_  
Nelson  
Clerk of the \_\_\_\_\_

Marriage.  
Albert Rimm  
United States \_\_\_\_\_  
United States \_\_\_\_\_  
of \_\_\_\_\_  
ing License, solemnize the Rite and publish the

November, A. D. \_\_\_\_\_  
Clerk of the United States Court, Indian \_\_\_\_\_  
ion, Book \_\_\_\_\_, Page \_\_\_\_\_

Albert Rimm  
Commissioner of the \_\_\_\_\_  
in the \_\_\_\_\_

of the Clerk of the United States Court in the Indian \_\_\_\_\_  
from the License was issued will be made in the amount of \_\_\_\_\_

# MARRIAGE LICENSE



United States of America,  
INDIAN TERRITORY,  
Judicial Division,

To Any Person Authorized by Law to  
Solemnize Marriage—Granting:

You are hereby Commanded to solemnize the Rite and publish the Banns of Matrimony  
between Mr. *Benjamin* of *Emet*  
in the *Chickasaw Nation* *seventy-one* years of age  
and *Emma Miller* of *Emet*  
*Chickasaw Nation* *seventy-one* years of age  
law, and do you officially sign and return this License to the parties therein named.

Witness my hand and Official Seal, this *28th* day of *December* 18*97*.

*Wm Nelson*  
Chief of the Division

*Albert Remme* Deputy

## Certificate of Marriage.

United States of America,  
INDIAN TERRITORY,

*Albert Remme*  
*A. D. Matthews*

United States of America,  
THE INDIAN TERRITORY,  
THIRD JUDICIAL DIVISION.

I, *W. Nelson*, Chief of the Division, do hereby certify that the solemnization of  
marriage of *Benjamin* and *Emma Miller* were on the *28th* day of *December* 18*97* at *Emet*  
in the *Chickasaw Nation* in the Third Judicial Division.

Witness my hand and Official Seal, this *28th* day of *December* 18*97*.  
*W. Nelson* Chief  
*A. D. Matthews* Deputy

5073

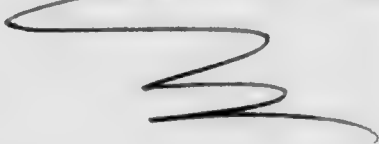
Annie J. Bradburn <sup>29</sup>  
husb J. M. Bradburn, white

F- James Miller ✓  
M- Mollie Miller

Mollie - Henry G. Miller  
gd mother - Sarah Hawkins  
mor Curtis

gd mother - Katie Miller  
Edw. mor Miller

Look up Campbell



For Identification as a Mississippi Choctaw.

Date ~~1901~~ 1902

Name Aurie J. Bradburn

Age 29 — Blood Don't Know.

Post Office, ~~Arden~~ <sup>HART.</sup> S. T.

Father: James Miller, d

Mother: Mollie " — d.

Claims through father  
Husband J. W. Bradburn, l. w.

No claim for husband.

Children:

Gracie Bradburn, 9

Stella " 8

Walter " 6

Georgie " 2

Claims for self  
and children

Stenographer H. S. Harris

Choctaw MCR 5074

Thomas G. Cole

See MCR 762

MCR 5074

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. April 4, 1903.

5074

In the matter of the application of Thomas G. Cole for the identification of himself and his three minor children, Elisha T., Samuel and Grever Cole, as Mississippi Choctaws.

J.G.Halls, att'y for applicant.

Thomas G. Cole, being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Thomas G. Cole.  
Q What is your age? A I was born in 1847; I am fifty five.  
Q What is your post office address? A Ferris, Ellis County, Texas.  
Q How long have you lived at Ferris? A I went there in '75.  
Q Where were you born? A Choctaw County, Alabama.  
Q How long did you live in Alabama? A I lived there till I was about seventeen years old I reckon.  
Q Then you went to Texas? A Yes sir; I went over there to Mississippi, moved up to Sumter County, Alabama, and from there I moved to Mississippi.  
Q Is your father living? A No sir; dead.  
Q Is your mother living? A No sir; mother's dead.  
Q What was your father's name? A Thomas G. Cole.  
Q What was your mother's name? A Lucinda Cole.  
Q Through which parent do you claim Choctaw blood? A Well, through my mother.  
Q How much Choctaw blood do you claim? A Well, I think it would be about an eighth; from what I have been told.  
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.  
Q Is your wife living? A My second wife is.  
Q Do you claim for any children by her? A No children by her at all I have three by the first one.



- Q How many wives have you had? A Two only.
- Q And your first wife was the mother of these children you intend to make application for and you have none by the second? A That's it.
- Q What was your first wife's name? A Elizabeth.
- Q She is now dead? A She is dead.
- Q Was she a Choctaw Indian or was she a white woman? A She was no Indian at all.
- Q White? A White.
- Q Then these children for whom you are to make application claim their Choctaw blood from you? A They would come through me.
- Q What is the second wife's name- your present wife? A Her name--- I get all the names mixed up: Julia M: I wanted to get the "M" in.
- Q Living and white? A Yes, she is living and very white.
- Q You make no claim for her? A No sir.
- Q What are the names commencing with the oldest of your children under twenty one years of age and unmarried? A Well, I don't know whether the boy is quite twenty one or not; his name is Elisha T. Cole. I am not right sure of is age; however I think he is not quite there or right at it.
- Q Do you think he has not yet reached his twenty first year? A I don't think he has; I wouldn't be positive about that.
- Q Then we will put it at twenty. A Yes sir.
- Q If, however, you think you are mistaken about that you are willing to notify the Commission? A Yes sir.
- Q The next child. A Samuel, eighteen years old.
- Q The next? A Grover Cole.
- Q How old is Grover? A He will be sixteen in June I believe; I am not positive; he is fifteen now.
- Q You make application for yourself and these children, do you? A Yes sir.
- Q Is your first wife, Elizabeth, the mother of these children? A Yes sir.
- Q They are living with you at your home are they? A Well, we have two of them at school.
- Q You are supporting them? A Yes sir.
- Q When and where were you married to your first wife, Elizabeth? A At Dallas, Texas, on November 27, 1876.
- Q By a minister and under a license? A Yes sir.
- Q Have you the marriage license and certificate with you now? A No sir.
- Q You think you can introduce that later? A Yes sir.

Reasonable time will be allowed for that purpose.

- Q You say you have some older children? A I have two daughters.
- Q Are they married? A Yes sir.
- Q Have they appeared before the Commission to be identified? A Yes sir.
- Q What is the name? A Alma Speer.
- Q Where does she live? A In Ferris Texas.
- Q What is the name of the other? A Clyde Orr.

Q And she lives where? A Ferris also.

Q Is your name or the name of any of these minor children on any of the rolls of the Choctaw Nation in the Indian Territory? A No, sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and these minor children to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and these children to the Dawes Commission under the act of Congress of June 10, 1896? A No I never made any, application at all.

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 to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Well, I claim it under that; I am not very well up on that treaty of 1830 as far as that is concerned and I claim the same relationship there as Mr. Ikard does; he is a first cousin of mine; his mother is an aunt of mine.

(Attorney for applicant asks that the record in Milton Ikard's case be considered as a part of the record in this case.)

Q Milton Ikard claims through the same common ancestor through whom you claim? A Yes sir.

Q And he has made application to be identified as a Mississippi Choctaw for himself and children? A Yes sir.

His number is R. 767 and is here referred to in the case of Milton Ikard et al.

Q And you want to have this consolidated with your case and the record in his case considered with yours in order that you may get the benefit of what was offered here. Have any other relatives of yours been before the Commission to be identified as Mississippi Choctaws? A I don't know.

Q If the records disclose the fact that other relatives of yours have made application to be identified as Mississippi Choctaws claiming through the same ancestor you want them considered with yours? A Yes, in connection with mine.

Q You say you don't understand the treaty of 1830 very well and the provisions of article fourteen? A No sir.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in the State of Mississippi on the 27th day of February, 1830; the oh-

ject of that treaty was to remove as far as practicable all the members of the Choctaw tribe of Indians from that old Choctaw nation East of the Mississippi River 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 protect the interests of those Indians who elected to stay back in the old Choctaw nation article fourteen was drafted and put into the treaty of 1830. The treaty was then signed and afterwards on the 24th day of February, 1831, was ratified. That article of the treaty of 1830 is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This article fourteen which was put into the treaty for the special benefit of that class of Choctaw Indians now called Mississippi Choctaws and is the authority by which and through which the present Mississippi Choctaw claimants appear before the Commission.

Q Do you think you understand that now sufficiently to claim under it? A I think so.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A His name is George Tubb.

Q No "s" on it? A No sir.

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

Q How much Choctaw blood did he have? A I can't tell you; I don't know much about it.

Q Did he live in Mississippi or Alabama in 1830? A That's what I have been told; I am not able to tell you.

Q Where did he live? A In Mississippi and I am rather inclined to think that he moved to Alabama.

Q Did he live in there in either Mississippi or Alabama in the old Choctaw Nation in 1830 and have a family there then? A I don't know.

Q You don't know whether he was head of a family there then? A He was head of a family but I can't tell where.

Q How old would he be if living now? A You are too hard for me; I don't know; he would be a pretty old man.

Q Do you claim through your mother who is a daughter of George Tubb? A Yes sir.

Q Did your mother ever live in Mississippi or Alabama? A In Alabama.

Q In the old Choctaw Nation? A She didn't live in the Choctaw Nation; she lived in Choctaw County; that's where I was born.

Q Well, was that a part of the Choctaw Nation when the Indians lived there in 1830? A I am not able to tell.

Q Did George Tubb speak the Choctaw language and have a Choctaw Indian name? A I can't tell.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A If they did I don't know anything about it.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States?

A Well, I am not posted on that and I have to say I don't know.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A They may have; I don't know.

Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation in Mississippi or Alabama there under article fourteen of the treaty of 1830 or under any other article of that treaty or under the supplement? A I can't tell; I don't know the histories; I don't know what they done; I only know that I had a grandfather; I don't think I ever saw him; all I know is what I heard my mother say about it.

Q Did you ever hear your mother say that your ancestors ever received any benefits under any treaty made between the United States and the Choctaw Indians other than the treaty of 1830? A I don't remember.

In 1837 by an act approved March 3, that year, a Commission was appointed by Congress to go to Mississippi and hear Mississippi Choctaw claimants who said that they had gone to Col. Ward, the United States Indian agent at his agency in Mississippi within six months after the ratification of the treaty of 1830 and registered or attempted to register their names with him as claimants under article fourteen of the treaty of 1830, but that he had failed to put their names down upon his register list. In 1842 another Commission was appointed by Congress under an act approved August 23, 1842 to hear this same class of claimants, but that he had made no account whatever of their names- didn't any of them appear upon his list known as Ward's register; now, as a result of Col. Ward's failure to properly register the names of claimants under article fourteen who appeared before him within the time limited in that article a good many Indians had both their lands and improvements taken from them and sold by the Government at Public Land Sale; their only right to hold that land was evidenced by their names appearing on Ward's Register, and when it did not appear their lands and rights were taken from them; for this reason these Commissions were appointed.

Q Did any of your ancestors appear before either of these Commiss-

ions and claim benefits under article fourteen of the treaty of 1830?  
A I can't tell you; it seems like I heard something but I can't say anything about that at all.

Under the act of Congress approved August 23, 1842, if any Indian proved that he had established his claim under article fourteen of the treaty of 1830, if it also appeared that he had formerly held land in the old Choctaw nation which the Government had taken from him and sold that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given to him, 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 any further evidence that you want to introduce at this time? A No sir.

(Attorney asks for time to produce the marriage certificate and documentary and other proper evidence.

Reasonable time, on motion of counsel for this applicant, is granted in which to introduce proper evidence in support of this application, if introduced under the rules of the Commission.)

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

This applicant has the appearance and physical characteristics of being descended from white parentage; medium fair complexion; brown eyes and whiskers gray; hair formerly brown; he has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on April 4, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains.*

Subscribed and sworn to before me this 29th day of April, 1902.

*Carroll H. Wood*  
Notary Public.

M.C.R. 6074

Muskogee, Indian Territory, November 25, 1902.

T. J. Cole,

Waxahachie, Texas.

Dear Sir:

Receipt is hereby acknowledged of the certified copy of marriage record between Thomas J. Cole and L. E. Goble, which you offer for filing in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

The same has been filed with the records in this case.

Respectfully,

Acting Chairman.

M.O.N. 8074.

Muskogee, Indian Territory, December 4, 1902.

Thomas J. Cole,  
Waxahatchie, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st inst., in which you call attention to a clerical error in our letter of recent date, acknowledging receipt of certified copy of marriage record to be filed in the case of Thomas G. Cole.

In reply, you are informed that the marriage record was filed with the record in the case of Thomas G. Cole, et al.

Respectfully,

Acting Chairman.

## COMMISSIONERS

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

ALLISON L. AYLESWORTH  
 SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 6074

ADDRESS ONLY THE  
 COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**Thomas G. Cole,**  
**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. Hearte, 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.	5438
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
Itylene 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
Belle 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.	5075
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. Hearste, Hattie C. Hearste, Mamie E. Hearste, Oliver Kenton Hearste, Ludora Hearste, 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 Burleson, R. D. Burleson, 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. Shepard, 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)

*Louis Dinby.*

Registered.

Chairman.

1905

Muskogee, Indian Territory, May 1, 1905.

Thomas G. Cole,  
Ferris, 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.

For Identification as a Mississippi Choctaw.

Date APR 1<sup>st</sup> 1902

Name Thomas G. Cole.

Age ~~54~~ 55 Blood 1/8

Post Office, Ferris, Texas, —

Father: Thomas G. Cole. d

Mother: Lucinda " d

Claims through mother.

wife (1) Elizabeth Cole, (d) w.

wife (2) Julia M. Cole l. w.

No claim for 2<sup>nd</sup> wife, & no children by her.

Children:

Elisha T. Cole — 20.

Samuel " 18.

Esrover " 15.

Claims for self and children

enographer N. G. Hains.

Choctaw MCR 5075

Thomas J. Cole

See MCR 762

MCR 5075

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 4, 1903.

5075

In the matter of the application of Thomas J. Cole for the identification of himself and his five minor children, Thomas C., Davella, Anson T., Margurite and Cathrine Cole, as Mississippi Choctaw laws.

J.G.Ralls, att'y for applicant

Thomas J. Cole being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Thomas J. Cole.  
Q What is your age? A Forty six.  
Q What is your post office address? A Waxahatchie, Texas.  
Q How long have you lived at that place? A Since November, 1884.  
Q Where were you born? A In Choctaw County, Alabama, I think.  
Q At what age did you leave Alabama? A Lets see; I was born in '55 November 4, and left Alabama in the latter part of December 1870.  
Q You went where from Alabama? A To Texas.  
Q And have lived in Texas since? A In Ellis County.  
Q Is your father living? A Yes sir.  
Q Is your mother living? A She is dead.  
Q What is your father's name? A William G.  
Q Is it the same William G. Cole who has just presented himself?  
A No sir; that is a brother of my father.  
Q It isn't William G., it is Thomas G.-- A Yes sir.  
Q Well, William G. your father is a brother of Thomas G. Cole?  
A Yes sir.  
Q What was your mother's name? A Olivia V. Cole.  
Q Through which parent do you claim Choctaw blood? A Father.  
Q How much Choctaw blood do you claim? A Well, my grandfather was a daughter of George Tubb, I believe that would be a sixteenth; uncle would be an eighth.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know of.



- Q Have you proof of the marriage of your father and mother with you?  
A Have not.  
Q Know when and where they were married? A I think in Sumter County, Alabama; I can get that.  
Q Remember the date? A No sir.  
Q You think you can prove that later if given time? A Yes sir.

Reasonable time is allowed for that purpose.

- Q Are you married? A Yes sir.  
Q Your wife living? A Yes sir.  
Q What is your wife's name? A Emma E.  
Q Is she a Choctaw Indian or white woman? A She's a white woman.  
Q You make no claim for your wife? A No sir.  
Q Give me the names of your children for whom you wish to make application, commencing with the oldest under twenty one and unmarried? A Thomas C.  
Q And he is how old? A He will be nineteen in June. I don't remember the exact date- I think the 22nd of June.  
Q He is eighteen now then? A Yes sir.  
Q What is the name of the next child? A Davella.  
Q A girl? A Yes sir.  
Q How old is she now? A Fourteen.  
Q Next? A Anson T.  
Q Is that a boy? A That's a boy.  
Q How old? A He is nine; I may make some little mistake in their exact ages.  
Q What is the name of the other? A Margurite; she is a female and seven years old; then Cathrine (C-a-t-h-r-i-n-e is the way I spell it)-  
Q How old? A Five.  
Q Next? A That is all unmarried.  
Q How many children have you ever age? A One.  
Q And what is the name? A A daughter; she is married, her name is Jennie O. Ritt; she lives at Waxahatchie.  
Q You make application for yourself and these minor children, do you? A Yes sir.  
Q When and where were you married to your wife, Emma E. Cole?  
A In Ellis County, October 17, 1878; I think 78 is correct.  
Q Have you proof of your marriage here at this time? A I have n't.  
Q You can introduce that later? A Yes.

Reasonable time will be allowed for this purpose.

- Q Is Emma E. Cole the mother of these children? A She is.  
Q And they are all living with you and your wife also at your home?  
A Yes sir.  
Q Were either of you married before? A Neither of us.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory with your children? 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 the Indian Territory? A I have not.

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, 1896? A I haven't.

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 by the United States Court in Indian Territory? A Have not.

Q? Do you now come before the Commission to identify yourself and for the identification of these children as Mississippi Choctaws, claiming under article four teen of the treaty of 1830? A Yes sir.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in the State of Mississippi and was signed on the 27th day of September 1830. Afterwards it was ratified on the 24th day of February, 1831, but before it was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw nation, Indian Territory-- the principal object of that treaty was the removal of all the Choctaw Indians from the Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory. In order to protect the interests of those Choctaw Indians who wished to stay in the old Choctaw nation East of the Mississippi River, article fourteen was drafted and put into the treaty; the treaty was then signed with that article in it. The 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 know if any of your ancestors complied or attempted to comply with any of the provisions of that article? A No sir; I don't.

Q You understand that, don't you, well enough to claim under it? 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 Well, new George Tubb. But you will understand that I have never met George Tubb.

- Q But what you know of him is a matter of family history and tradition, I suppose? A Yes sir.
- Q What relation was George Tubb to you? A Was great grandfather.
- Q Did he live in the old Choctaw nation in 1830? A I don't know that.
- Q Did you ever hear that he lived in Mississippi or Alabama at that time? In the family-- a matter of family history? A I don't remember I might have.
- Q You don't know whether he was the head of a family in the old Choctaw Nation in 1830? A I don't.
- Q Or how old he would be now if living? A No sir.
- Q Don't know when or where he was born or died? A No sir.
- Q You claim through your father; did he live in Mississippi? A No sir; not that I know of; he lived in Alabama.
- Q Did he claim through his father or mother? A Mother.
- Q Did she ever live in Mississippi or Alabama--? A I don't know; she lived in Alabama I know.
- Q Did she live in the old Choctaw Nation in Alabama? A In Choctaw County; I don't know whether it is in Choctaw Nation, or not.
- Q Did she live in that State in 1830 and have a family of children there then? A I don't know.
- 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 or under any other article of that treaty or under the supplement to it? A Not that I know of.
- Q Did they claim any benefits as Choctaw Indians under any treaty made between the United States and the Choctaw Indians other than the treaty of 1830? A I don't know.
- Q Did they ever own any improvements on land in Mississippi or Alabama in 1830 when that treaty was made? A I don't know.
- Q Did any of them go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory between 1833 to 1838? A I don't know.
- Q Did any of them within six months from the ratification of the treaty of 1830 go to the United States Indian agent and signify to him their intention to stay in Mississippi, take land there and become citizens of the United States? A I don't know.

The Choctaw Indians who remained back there in that old Choctaw Nation after the treaty of 1830 was ratified and after the Indians had most of them removed to the Choctaw Nation, Indian Territory under its provisions, were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent, Col. 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 Indians complied with this article in this respect whose names Col. Ward failed to put upon his list known as Ward's Register. His neglect to register the names of those Indians who complied for registration under article fourteen caused many Choctaw Indians who held land in the old Choctaw Nation upon which they had improvements

to lose both; both were taken from them and sold by the Government at Public Land Sale. This caused so many complaints among the Choctaw Indians that in 1837 by an act approved March 3, that year Congress appointed a Commission to go to Mississippi and hear claimants under article fourteen of that treaty; it did so and made a list of their names; some were accepted and some were refused. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23, that year; this Commission also went to Mississippi, heard claimants under article fourteen and made list of their names.

Q Did you ever hear that any of your Choctaw ancestors went before either the Commission of 1837 or that of 1842? And claimed benefits under article fourteen of that treaty? A No sir. Never heard anything about that.

Q Did you ever hear that any of your Choctaw ancestors received any scrip or certificate from the Government under an act approved August 23, 1842, which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of land that they had formerly held in the old Choctaw Nation and the Government had taken from them and sold? A No sir.

Q Milton Ikard is what relation to you? A Second cousin.

Q He has made application to be identified as a Mississippi Choctaw, has he not? A Yes sir.

Q And he claims through George Tubb, as a common ancestor with you? A Yes sir.

Q Do you want to have his case consolidated with yours in order that the records made by him in his case may be considered as part of the records in your own? A I do.

Q Have any other relatives of yours appeared to be identified as Mississippi Choctaws claiming through the same common ancestor?

A I don't know of any except the uncle who just appeared.

Q And you want to have your uncle's case consolidated with yours, do you? A Yes sir.

Q And any other relatives who may have or who may come claiming through the same common ancestor? A Yes sir.

Q Do you speak or understand the Choctaw language? A I don't.

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

(Att'y for applicant asks for time to produce proper evidence and also that the records be considered with this

Reasonable time will be allowed this applicant in which to furnish proof further if he desires in support of this application.

Q Is there anything further you would like to say? A I don't know of anything.

This applicant has the appearance and physical characteristics of being descended from white parentage except that he has dark skin,

dark eyes and black hair; he does not understand or speak the Choctaw language, and has no knowledge of the compliance on the part of any of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 4, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 30th day of April, 1902.

*Committee*

Notary Public.

Miss. Choctaw 5075

Muskogee, Indian Territory, May 6, 1902.

T. J. Cole,

Waxahachie, Texas,

Dear sir:

Receipt is hereby acknowledged of your letter of May 3, inclosing certified copy of the marriage license and certificate between Thomas J. Cole and Emma E. Bell, certified copy of marriage license and certificate between Thomas Cole and Lucinda Tubb, and certified copy of marriage license and certificate between William G. Cole and Olivia V. J. Truitt, which are offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same have been filed with the record in this case.

Yours truly,

Commissioner in Charge.

COMMISSIONERS

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

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5075

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Thomas J. Cole,  
Waxahachie, 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. Hearte, 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. 5438
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
Itylene 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
Belle 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. 7457
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. 5075
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, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, 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).

*Tamc Dixon.*  
Chairman.

Registered.

M.C.R. 5075.

Muskogee, Indian Territory, May 1, 1905.

Thomas J. Cole,  
Waxahachie, 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.

## For Identification as a Mississippi Choctaw.

APR 1902

Date

Name Thomas J. Cole

Age 46. Blood 1116

Post Office, Waxahachie, Tex

Father; William G. Cole, C.

Mother: Olivia V. " d

Claims through father

wife Emma E. Cole, l. w.

No claim for wife -

Children:

Thomas C. Cole, 18 ~~#9~~

Kavella " F. 14.

Anson T. " M 9.

Margurite " 7

Cathrine " 5

Claims for self &  
minor children

Stenographer H. G. Harris

Choctaw MCR 5076

Hopie D. Hood

See MCR #4

MCR 5076

FOR IDENTIFICATION R. 5076  
A MISSISSIPPI

*Hopic &*

CANCELLED

*See MCR #4*

CANCELLED

*This June 4, 1902. See letter  
filed in MCR #4, dated  
June 4, 1902.*

~~FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW~~

**REFUSED** *IN RE*  
Application for Enrollment of

INFANT CHILD

*Hopie D Hood*  
as a citizen of

*Choctaw* Nation

Approved, \_\_\_\_\_ 190

~~FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW~~

Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
APR 4 1902

*[Signature]*  
ACTING CHAIRMAN.

The within application has been accepted as evidence of the birth of the within named child. His mother appears on M.C.R. 4, which is a part of the consolidated case of Willis Toombs, et al. M.C.D 9, and the application for this child will be considered in connection with that of his mother but is not to be considered as an application for his ENROLLMENT as a citizen of the Choctaw Nation.

*[Signature]*  
Commissioner

MISSISSIPPI CHOCTAW *C-5076*



COPY

Miss. Choctaw R 4

Muskogee, Indian Territory, June 4, 1902.

Lucerna Hood,

Berwyn, Indian Territory,

Dear Madam:

On April 4, 1902, receipt was acknowledged to Wisdom Maxwell, at Berwyn, Indian Territory, of the affidavits of Lucerna Hood and Edie Antoine relative to the birth of Sophie B. Hood, born March 21, 1901, and evidently submitted as an application for identification of this child as a Mississippi Choctaw.

It appears from these affidavits that this is the child of Lucerna Hood, who was an applicant to this Commission for the identification of herself and her minor children as Mississippi Choctaws.

You are advised in regard to the application of Lucerna Hood that on March 3, 1902, the Commission, after a consideration of the evidence submitted in support of the said application, refused the same for the reason that there was no evidence offered in any manner tending to show that the applicants were entitled to identification as Mississippi Choctaws as the descendants of Choctaw Indians who resided in Mississippi in 1830 and whose rights under the fourteenth article of the treaty of 1830 were favorably adjudicated.

The only authority vested in the Commission to identify

L.H. 2

so-called Mississippi Choctaws is contained in a paragraph of the twenty-first section of the act of congress of June 28, 1898, and is as follows:

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

The commission requires of applicants for identification as Mississippi Choctaws a reasonable demonstration of the fact that they are descendants of Choctaw Indians whose rights under the provisions of the fourteenth article of the treaty of 1830 were favorably adjudicated, and this you have failed entirely to do.

On March 3, 1902, the record in this case was forwarded to the Secretary of the Interior for his review and on April 25, 1902, the Secretary of the Interior affirmed the decision of the Commission in this case, of which action you were duly advised on May 3, 1902.

As the rights of your child are entirely dependent upon your recognition and identification as a Mississippi Choctaw and as the Commission and the Secretary of the Interior have decided that you are not entitled to such identification, the commission cannot further consider the application for the identification of your child, Hopie D. Hood, as a Mississippi Choctaw Indian entitled to

L.H. 3

rights in the Choctaw lands under the provisions of the fourteenth article of the Choctaw treaty of 1830 and has this day made the application submitted by you a part of the record in the case of Lucama Wood, et al.

Yours truly,

SIGNED

*dy.*

Acting Chairman.

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

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of Hopie D. Hood, born on the 21st day of March, 1901.  
(Here insert name of child)  
Name of Father: D. H. Hood, a citizen of the \_\_\_\_\_ Nation.  
Name of Mother: Lucena Hood, a citizen of the Choctaw Nation.  
Post-office, Berwyn

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, Lucena Hood, on oath state that I am thirtythree years of age and a citizen, by birth, of the Choctaw Nation;  
that I am the lawful wife of D. H. Hood, who is a citizen, by birth, of the United States Nation, that a male child was born to me on the 21 day of March, 1901; that said child has been named Hopie D. Hood, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Pat E. Wilheim  
W. J. J. Maxwell

Lucena Hood

Subscribed and sworn to before me this 28 day of February, 1901.  
Thos. Norman  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, Lila Antoine, a Midwife, on oath state that I attended on Mrs. Lucena Hood, wife of D. H. Hood, on the 21 day of March, 1901; that there was born to her on said date a male child; that said child is now living and is said to have been named Hopie D. Hood.

WITNESSES TO MARK:

(Must be Two Witnesses)

Lila Antoine

Subscribed and sworn to before me this 28 day of April, 1901.  
Thos. Norman  
NOTARY PUBLIC

Choctaw MCR 5077

Moses H. Dolman

See MCR 5078

MCR 5077

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

---0---

In the matter of the application of Moses H. Dolman, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

Moses H. Dolman,                   M.C.R. 5077  
John H. Oxley, et al.,       M.C.R. 5078

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

	(Page)
Application of Moses H. Dolman, et al., for enrollment as citizens by blood of the Choctaw Nation-----	1
Affidavit of Moses H. Dolman-----	3
Affidavit of John H. Dolman-----	4
Certified copy of the marriage record between Moses H. Dolman and Eliza C. Welch-----	5
Affidavit of Eliza C. Dolman-----	6
Affidavit of John H. Dolman-----	7
Notice of Moses H. Dolman and wife addressed to the Commission-----	8
Decision of the Commission refusing the ap- plication of Moses H. Dolman, et al., for enrollment as citizens by blood of the Choctaw Nation-----	9
Copy of letter of the Commission addressed to Moses H. Dolman-----	10
Register receipt-----	11

Copy of letter of the Commission addressed to Moses H. Dolman-----	12
Registry receipt-----	14
Original application of Moses H. Dolman, et al. to the Dawes Commission for identification as Mississippi Choctaws-----	15
Application of John Hardy Oxley for enrollment as a citizen by blood of the Choctaw Nation-----	21
Affidavit of John H. Dolman-----	24
Affidavit of Martha E. Adams-----	25
Notice of John H. Oxley addressed to the Commission---	26
Decision of the Commission refusing the applica- tion of John H. Oxley for enrollment as a citizen by blood of the Choctaw Nation-----	27
Copy of letter of the Commission addressed to John H. Oxley-----	28
Registry receipt-----	29
Copy of letter of the Commission addressed to John H. Oxley-----	30
Registry receipt-----	32
Original application of John H. Oxley, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	33
Certified copy of affidavit of Jonas Frazier-----	38
Certified copy of affidavit of Eliza Forbus-----	39
Decision of the Commission refusing the ap- plications in the consolidated case of Moses H. Dolman, et al., for identification as Mississippi Choctaws-----	40

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, INDIAN TERRITORY, JUNE 6, 1900.

In the matter of the application for enrollment as citizens  
of the Choctaw Nation of Moses H. Dolman, et al.

Choctaw R 526.

Moses H. Dolman, being duly sworn and examined by Acting  
Chairman Bixby, testifies as follows:

- Q What is your name? A Moses H. Dolman.  
Q What is your age? A 48.  
Q What is your post office address? A Ravia.  
Q Do you live at Ravia? A Yes sir.  
Q Are you a Choctaw? A Yes sir, claim to be.  
Q Do you make application as a Choctaw by blood? A Yes sir.  
Q What is the name of your father? A John Dolman.  
Q Is he living? A Yes sir.  
Q Is his name on the Choctaw rolls? A No sir.  
Q What is the name of your mother? A Susan Lavinia.  
Q What was her maiden name? A Halsey.  
Q Is she living? A Yes sir.  
Q Is her name on the Choctaw rolls? A No sir.  
Q Do you know what county in the Choctaw Nation she claimed to belong to? A Blue County.  
Q What county in the Choctaw Nation do you claim to belong to?  
A I live in the Chickasaw Nation.  
Q And you claim to be a Choctaw residing in the Chickasaw Nation?  
A Yes sir.  
Q How long have lived in the Indian Territory? A Six years.  
Q Have you been out of the Territory during the past six years?  
A Yes sir, I have been out two or three times.  
Q How long did you stay out each time? A About three or four days at a time. Maybe a week.  
Q You have only been out on business temporarily? A Yes sir.  
Q Have you ever been enrolled by the Choctaw tribal authorities?  
A No sir.  
Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir, I never have.  
Q Did you apply to the Dawes Commission in 1896 for admission as a Choctaw? A No sir.  
Q This is the first time you have made application? A I came before the Dawes Commission last year.  
Q What did they do? A They didn't do anything.  
Q Didn't take any testimony? A No sir.  
Q What proportion of Choctaw blood do you claim to have? A 1/8.  
Q Are you married? A Yes sir.  
Q Do you claim any rights of citizenship for your wife? A Yes sir.  
Q How do you claim for her? A Why by me.  
Q Not by blood? She is not an Indian? A No.  
Q Well, what do you claim? A I would claim to put in an application for her, would be all the claim that I could have.  
Q What kind of a claim do you for her? Do you claim she is a Choctaw by blood? A No.  
Q What claim do you make? A Intermarriage.  
Q You claim she is a Choctaw by intermarriage? A Yes sir.  
Q What is her name? A Eliza Catherine Dolman.  
Q When did you marry her? A I 1876.



- Q Where? A Lamar County, Texas.
- Q Under Texas law? A Yes sir.
- Q Have you any children? A No sir.
- Q Is there any other statement which you desire to make with regard to your case? A I don't believe there is.
- Q Any papers which you desire to file? A No sir, I don't know of any thing just now.

You will be permitted to offer any additional evidence in the form of statements or affidavits or other proper papers which you may desire to present.

Cross examined by Mr. Cornish, Attorney for Choctaw Nation.

- Q Mr. Dolman, you claim to be an Indian? A Yes sir.
- Q Do you claim to have the personal appearance and features of an Indian.
- A I would let anybody else say that.
- Q Do you claim to look like an Indian? A I think I do.

Robert L. Murray, being sworn by Acting Chairman, and examined by Mr. Cornish, testifies as follows:

- Q How old are you Mr. Murray? 40 years.
- Q Have you heard the applicant testify and seen him on the stand? A Yes sir.
- Q Have you examined his general appearance and features? A Yes sir.
- Q Does he have the appearance of an Indian? A No sir.
- Q What, in your opinion, is his appearance? A He looks to me like a white man.

Commission: The application for the enrollment of yourself as a Choctaw Indian by blood, and for the enrollment of your wife as an intermarried citizen of the Choctaw Nation, is refused, for the reason that neither your name nor the name of your wife appears on the rolls of the Choctaw Nation now in the possession of this Commission; and for the further reason that it does not appear that you have ever been admitted to citizenship by the regularly constituted tribal authorities of the Choctaw Nation or by the judgment of the Commission to the Five Civilized Tribes under the law of June 10th, 1896, or by judgment of the United States Court in Indian Territory.

This testimony, and such papers as you may be pleased to file with this Commission will be forwarded to the Secretary of the Interior for his examination when the rolls are sent to him for final approval.

Anna Bell, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported in full the testimony in the above entitled cause, and that the foregoing a correct and complete transcript of her stenographic notes in said case.

*Anna Bell*

Subscribed and sworn to before me this 14th day of June, 1900.

*[Signature]*

Acting Chairman.

Commission to the Five Civilized Tribes.  
Muskegee, I.T. April 7, 1902.

5077

In the matter of the application of Moses H. Dolman for identification as a Mississippi Choctaw.

J.G. Ralls, Atty for applicant.

Moses H. Dolman, being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Moses H. Dolman (Spells it).  
Q What is your age? A Fifty.  
Q What is your postoffice address? A Ravie, Indian Territory.  
Q How long have you lived at Ravie? A Seven years.  
Q Where did you live before you lived there? A I lived in Texas most of the time; I lived one year up near Rock Island in the Territory.  
Q What year was that? A 1894.  
Q Where were you born? A Born in Missouri.  
Q Where in Missouri? A In Grundy County, Missouri.  
Q How long did you live in Missouri? A I was about thirteen.  
Q And went to what State then? A Texas.  
Q And lived in Texas till you came to the Territory? A Yes sir.  
Q Is your father living? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q What is your father's name? A John H. Dolman.  
Q What is your mother's name? A Susan L.  
Q Through which parent do you claim Choctaw blood? A My mother.  
Q How much do you claim? A I don't know, how much, Colonel, I couldn't tell you how much.  
Q Was your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know of; I don't know whether she was or not; if she ever was I don't know.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q Is she a white woman or Indian? A White woman.  
Q What is her name? A Eliza J.  
Q You make no claim for her? A Yes, I reckon.  
Q Is she a Choctaw Indian? A Well, by inter-marriage.

(Attorney for applicant says she can make no claim unless she is an Indian).

Q Well, do you want to make any claim for your wife or not? A ---  
Q There is no law to identify any person as a Mississippi Choctaw Indian except that person be descended from a Choctaw Indian who at some time lived in Mississippi and who had Choctaw blood. A Well, my wife don't claim that.

Q You don't claim it for her, do you? A Well, I can only through marriage.

Q Well, I will tell you there is no law to identify such. A Well, we will just let it go then.

Q You don't care to then after you understand what the law is?

A No sir.

Q Have you any children under twenty one years of age and unmarried for whom you want to make application? A No sir.

Q You just claim for yourself alone, then? 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 made application to the Commission to the Five Civilized Tribes for enrollment or citizenship in the Choctaw Nation at any time? A Yes, we did it will be two years next June.

Q Where did you appear then? A At Atoka.

Q You made application for enrollment as a citizen by blood for yourself and for your wife, Elizabeth C. as a member of the Choctaw Nation before the Commission-- at what place? A Atoka.

Q The date of that was June 6, 1900? A It was about that time.

Q And you were refused on the ground that you were neither on the Choctaw rolls nor were admitted by a legally constituted authority, were you not? A Yes sir.

Q Were you refused on that date? A Yes sir. That's what the Commissioner said; that they rejected me on the ground that I had not been enrolled by the Choctaw tribe of Indians thereabouts and on the ground that I had not applied on June 1896.

Q You now appear to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q You never have been admitted by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Do you want to have the record made by you when you made your application June 6, 1900, transferred to this application and made a part of this record? A Yes sir.

Q With the exception of your wife, Eliza C.-- you don't care to make application for her now? A No sir.

(Attorney for applicant says also to have ~~RECORDED~~ R. 78 made a part of this record-- Susan L. Dolman.)

Q Do you understand article fourteen of the treaty of 1830 under which you are making this claim? A Well, I don't know whether I do or not.

Q You understand what a treaty is? A Yes, I reckon.

Q A treaty is a compact made between two or more Nations instead of two or more individuals or corporations; it is always in writing and signed by the representatives of each Government that is a party to it; a treaty like that was made between the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama in 1830 and the United States Government on the 27th day of September that year, at a place called Dancing Rabbit Creek in Mississippi. The object of the treaty was to remove all the Choctaw Indians who lived in the old Choctaw Nation from that 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 therefore in order to protect the interests of those Choctaw Indians who wanted to stay back in the old Choctaw Nation, article fourteen was drafted and put into the treaty of 1830. The treaty was then signed and afterwards, on the 24th day of February, 1831, 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 You think you understand that article now? A Yes, I reckon I do.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My mother.

Q Well, a way back. A She claimed-as far back I know was her grandmother.

Q What was your great grandmother's name? A Patty Potter; she married Joe Halsey or Haulsey; I spell it Ha-u-l-s-e-y.

Q Was Joe Haulsey a white man? A No sir.

Q Well, who had the Choctaw blood of these two? A They both I reckon; that's been my understanding all the time.

Q That is your claim, is it? A Yes sir.

Q How much did Patty Potter have? A I can't tell how much either one of them had; some said she was full; some a half; I can't tell you.

Q Did Patty Potter and Joe Haulsey live in the State of Mississippi in 1830? A Well, I can't answer that either; from the best of my knowledge I think they did.

- Q Did you ever hear that from members of the family? A Well, they never told me positively that they did but judging from the general talk they must have been there about that time.
- Q Was Joe paulsey the head of a family in Mississippi in 1830? A Well, I don't know as I understand that question exactly.
- Q The question means did he have children living at that time? A He had children living in 1830.
- Q Then he was the head of a family, wasn't he. A Yes sir.
- Q How old would he be if living now? A I don't know sir.
- Q How old would Patty Potter be if living now-- his wife? A I can't tell you.
- Q You claim through your mother? A Yes sir.
- Q Was she ever made application to be identified before the Commission? A Yes, she made application two years ago in June.
- Q To be identified as a Mississippi Choctaw? A No sir, not as a Mississippi Choctaw.
- Q She claimed through which parent, father or mother? A Both I think.
- Q What was her father's name? A No; she didn't claim through only her father; his name was Jack Haulsey.
- Q Did he ever live in Mississippi? A I can't tell.
- Q Where did he die? A In Missouri.
- Q How old was he when he died? A I don't know.
- Q Where is your mother living now? A Down here close to Caddo.
- Q Where was she born? A In Missouri I think.
- Q Did Jack paulsey claim through his father Joe paulsey and his mother Patty? A Yes sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know; that's farther back than I know.
- Q Did any of your Mississippi Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I can't answer that question; I don't know.
- Q Did any of your Mississippi Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838 or 1840? A I have heard they did; I don't know.
- Q How did you ever hear that they did or through whom? A U have heard of the name; I have heard people.
- Q What people did you hear talking about that? A My mother and a brother of mine.
- Q Who did they say did that? A They didn't say any of them went that way; but I have heard of them in the Territory.
- Q Who did you hear of in the Territory? A I can't tell you; that's something I don't know anything about what they did.
- 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.
- Q Did they claim any land under any other article of that treaty or the supplement? A I don't know sir.
- Q Did they 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 Indians who lived in Mississippi and stayed there in Mississippi and Alabama in the old Choctaw Nation---- A I have heard

some talk about it; I don,t know.

---those Indians who remained back there in Mississippi and Alabama refusing to go to the Choctaw nation, Indian Territory, under the treaty were bliged if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent, Col. 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 States; a good many Indians did this whose names Col. Ward failed to put upon his list known as Ward's register; his neglect to do this caused many Indians who had lands in the old Choctaw nation upon which they had improvements to lose both lands and improvements, for they were both taken frm them and sold by the Government at its Public Land Sales; this caused so many complaints among them that in 1837 by an act approved March 3, that year, Congress appointed a Commission to go to Mississippi, hear claimants there under article fourteen; in 1842 another Commission was appointed for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits as Choctaw Indians? A I don't know sir.

Q Did any of your Choctaw ancestors receive any scrip from the Government under any act of Congress approved August 23, 1842, which entitled them to select land in either Mississippi, Alabama, Arkansas or Louisiana to take the place of the land which had been taken from them by the Government in the old Choctaw Nation and sold?

A I don't know sir.

Q Have you any relatives or kin who have been before the Commission to be identified as Mississippi Choctaws? A I don't know that I have.

Q Have you any other evidence that you want to introduce at this time in support of your claim? A I-

Q You haven't anything with you, have you? A No sir.

Q Do you want time in which to introduce further evidence? A Yes sir.

Reasonable time will be allowed this applicant in which to introduce further testimony if he desires in support of this case.

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

Examination by J.G. Ralls.

Q Do you know where Jonas Frazier is now? A He is dead I am told.

Q Remember about when he died? A No sir, I don't know.

Q About how long? A I think he has been dead about a year.  
Q Do you know where Eliza Forbus is? A She is dead too.  
Q These are the same persons whose affidavits appear on file in your mother's case, are they? A Yes sir.  
Q That's all.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; hair is gray, says it was formerly black- mustache is black now sprinkled with gray; he does not understand the Choctaw language and has no knowledge of the compliance by his ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 7, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 28th day of April, 1902.

*Carroll H. H. H.*

Notary Public,

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 7, 1902.

5078

In the matter of the application of John H. Oxley for the identification of himself and his minor child, Jewel Oxley, as Mississippi Choctaws.

J.G.Ralls, att'y for applicant.

John H. Oxley being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John H. Oxley.  
Q What is your age? A Twenty six years old.  
Q What is your post office address? A Ravia, Indian Territory.  
Q How long have you lived at Ravia? A Pretty close to four years.  
Q Where did you live before you lived there? A I lived four months in Caddo, and the rest of my life I lived in North Missouri.  
Q Is your father living? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q What is your father's name? A Pres Oxley.  
Q What is your mother's name? A Lucy E. Oxley.  
Q Through which parent do you claim Choctaw blood? A My mother.  
Q How much do you claim? A A sixteenth.  
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No sir; I believe not.  
Q Are you married? A Yes sir.  
Q Your wife is living is she? A Yes sir.  
Q Is she a white woman or Choctaw Indian? A White woman.  
Q What is her name? A Corinne Oxley.  
Q Do you make any claim for her? A No sir.  
Q Have you any children you want to make claim for? A Yes one.  
Q What is the name? A Jewel Oxley.  
Q How old is she? A She is about six months old.  
Q Is Corinne the mother of Jewel? A Yes sir.



- Q When and where were you married to your wife? A Near Pavia; I think it was the 25th last October a year.
- Q By a minister and under a license? A Yes sir.
- Q You and your wife and children are living now together at your home? A Yes sir.
- Q Was either she or you married before you married each other? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir; I reckon not.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir; we did to the Commission.
- Q Did you make application to the Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A I don't know.
- Q You didn't come before the Commission in 1896? A No sir.
- Q You made no application at that time under that law? A No sir.
- Q You have been before the Commission though? A Yes sir.
- Q When and where? A At Atoka.
- Q Was it June 6, 1900? A I think so.
- Q You made application then for admission as a citizen by blood? A Yes sir.
- Q At the time you made application, June 6, 1900, for enrollment as a Choctaw by blood, after the hearing by the Commission, do you know what was done with your application? A I think it was filed.
- Q Was it refused? A I think so; on the ground that we had not made any application in 1896, to the best of my recollection.
- Q And that you were not on any of the Choctaw rolls and that you had not been admitted by any legally constituted authority in the Choctaw Nation? A Yes sir.
- Q You never have 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 I haven't.
- Q Do you want to have the record made by you when you made application June 6, 1900, made part of the application and records in this case? A Yes sir.

Reference is made to R. 509.

- Q Do you now make application to be identified as a Mississippi Choctaw for yourself and child claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Have you the marriage license of the marriage between yourself and wife with you? A No sir.
- Q You can introduce that later, can you? A Yes sir.

Reasonable time will be allowed you for that purpose.

- Q Do you understand the provisions of article fourteen of the treaty of 1830? A No sir, not very well.

The treaty of 1830 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, that year, and was made for the purpose of removing as far as possible all the Choctaw Indians who lived in the old Choctaw nation in Mississippi and Alabama 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 protect their interests article fourteen was put into the treaty; the treaty was then signed and afterwards ratified; it reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that well enough to claim under it?

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 I claim it under the Haulseys and Potters.

Q Through Patty Potter? A Yes, and through Jack Haulsey.

Q Is it Jack or Joe? A I think it is---

Q Who was Patty Potter's husband? A I think Jack Haulsey as well as I remember.

Q In the application of Moses H. Dolman it appears otherwise; what is your testimony now in reference to the name of the husband of Patty Potter? A I guess it must have been Joe.

Q You are not quite certain whether it is Joe or Jack; but if it is Joe, did they have a son named Jack? A Yes sir.

Q And if it is Jack, did they have a son named Joe? A Yes sir.

Q You can't quite say which? A No sir.

Q Did they live in Mississippi in 1830, and was Haulsey, the husband of Patty Potter, the head of a family there then-, that is, did he have children there then? A I don't know.

Q You cannot say? A No sir.

Q How old would Jack or Joe Haulsey be-- whichever was the name of Patty Potter's husband-- if he were living now? A I can't say.

Q How old would she be if living now? A I can't say.

Q Did any of them or their descendants come to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838 or 1840?

A I think so; it is my understanding that they did.

- Q Who came, do you know? A I think Patty and her husband came; I am not sure.
- Q When did they come, do you know? A No sir.
- Q Did any others come that you know of? A No sir, I don't remember.
- Q Did either Patty Potter or her husband, Haulsey, speak the Choctaw language or have Indian names? A I don't know.
- Q How much Choctaw blood did Patty Haulsey have? A I don't know exactly; some claim she was a half breed and some claim she was a full blood.
- Q Who have claimed any quantity of blood for her? Whom did you ever hear say she any Choctaw blood? A I heard Jonas Frazier say so.
- Q Who was he? A He was a full blood Indian-- looked to be.
- Q Where does he live? A Caney, I think.
- Q You have no evidence here now as to the quantity of Choctaw blood which either Patty or her husband Haulsey had? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I think they claimed that Patty Potter's husband owned a little there; it has always been my understanding that he did.
- Q How did you hear that? A By others talking about it.
- Q Who talked about it? A I have heard my father speak of it at times; then I heard those old Indians say so.
- Q It is a matter of tradition, is it? A Yes, and my grandfather.
- 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, Col. Ward and tell him that they intended to stay in Mississippi, take land there and become citizens of the United States? A I can't say; I don't know.
- 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.
- Q Did they claim any land or own any under any other article or under the supplement to that treaty? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land or any benefits under any treaty made between the United States Government and the Choctaw Indians other than the treaty of 1830? A I can't say; I don't know.

Q The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward, at his agency in Mississippi within six months after the ratification of the treaty and signify to him their intention to remain in Mississippi, take land there and become citizens of the United States; a good many Choctaw Indians did this whose names Col. Ward failed to put upon his register, known as Ward's Register; his failure to do so caused a good many who had lands in Mississippi upon which they had improvements to lose both for they were taken from them by the Government and sold; this caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3, that year, a Commission was appointed by Congress which went to Mississippi and heard Choctaw Indian claimants under that article of that treaty. In 1842 another Commission was appointed by Congress which went to Mississippi and heard claimants-- under act of Congress approved August 23, 1842.

- Q Did any of your Choctaw ancestors go before either of these two

Commissions and claim benefits under article fourteen of the treaty of 1830? A I don't know.

Q What relation is Moses H. Dolman to you? A He is my uncle.

Q Do you want to have the record made in his case considered with yours in order that both may be considered together? A Yes sir.

Q Have you any other proof that you want to introduce at this time?

A No sir.

Q Do you want time in which to introduce further proper evidence?

A Yes sir.

Reasonable time will be allowed this applicant for that purpose.

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

Examination by J.G. Ralls.

Q Your mother is an own sister of Moses H. Dolman? A Yes sir.

Q And a daughter of Susan L. Dolman? A Yes sir.

Q Do you know where Jonas Frazier and Eliza Forbus are? A I understand they were both dead.

Q Their affidavits are filed in the case of your mother, are they?

A My grandmother.

Q That's all.

By the Commission:

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

This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown eyes and dark brown hair; he has no knowledge of the Choctaw language and no knowledge of the compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that he reported the above as a stenographer to the Commission to the Five Civilized Tribes on April 7, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 20th day of April, 1902.

*Ala. Raven*  
Notary Public.

R. 506

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

In the matter of the application of Moses H. Dolman for enrollment as a citizen by blood of the Choctaw Nation and for enrollment of his wife as an intermarried Choctaw citizen.

The applicant, Moses H. Dolman, appeared before the Commission at Atoka, Indian Territory, June 4th, 1900, and from his oral testimony given at that time in behalf of his claim for enrollment as a citizen by blood of the Choctaw Nation and for enrollment of his wife, Eliza C. Dolman, 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.

The application for enrollment as a citizen by blood of the Choctaw Nation of Moses H. Dolman, and for the enrollment of his wife Eliza C. Dolman as an intermarried citizen of the Choctaw Nation, is therefore hereby refused.

BY THE COMMISSION.

  
Acting Chairman.

At Muskogee, Indian Territory, August 25th, 1900.

COPY.

*off*

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

---0---

In the matter of the application of Moses H. Dolman, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Moses H. Dolman, M.C.R. 5077  
John H. Oxley, et al., M.C.R. 5078

---: 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 Moses H. Dolman for himself, and by John H. Oxley for himself and his minor child, Jewel Oxley, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

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

of Joe (or Jack) Haulsey (or Halsey), who is alleged to have been a Choctaw Indian, degree of blood not stated, and Patty Haulsey (or Halsey), nee Potter, who is alleged to have been either an one-half or a full-blood Choctaw Indian, and both of whom are alleged to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of these applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Joe (or Jack) Haulsey (or Halsey) or Patty Haulsey (or Halsey), nee Potter, 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 Moses

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*James Birby*

Chairman.

(SIGNED)

*I. B. Needles*

Commissioner.

(SIGNED)

*C. R. Breckinridge*

Commissioner.

(SIGNED)

*W. E. Stanley*

Commissioner.

Muskegee, Indian Territory,

MAR 30 1904



Muskogee, Indian Territory, September 19, 1900.

Moses H. Delman,

Ravia, Indian Territory.

Dear Sir:

The Commission is in receipt of your previous request that the papers and proof in the matter of the application of yourself and wife for enrollment as citizens of the Chestate Nation, be forwarded to the Secretary of the Interior for his final determination.

Your request has been filed with the other papers in this case and the record will be transmitted to the Secretary of the Interior for his consideration when the final rolls of the citizens of the Chestate Nation are sent to him for approval.

Yours truly,

Acting Chairman.

7-R-506

COPY.

M.C.R. 5077

Muskogee, Indian Territory, April 28, 1904.

Moses H. Dolman,

Ravia, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 30, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Moses H. Dolman et al., including you.

You are further notified 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 Bixby.*  
Chairman.

Registered.

M.C.R. 5077

Muskogee, Indian Territory, April 28, 1904.

J. G. Ralls,  
Attorney at Law,  
Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 30, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Moses H. Dolman et al., which embraces the following cases:

Moses H. Dolman, M.C.R. 5077  
John H. Oxley et al., M.C.R. 5078.

You are further notified 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 transmitted to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tamo Lixby.*  
Chairman.

Registered.

M.C.R. 5077

Muskogee, Indian Territory, April 28, 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 March 30, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Moses H. Dolman et al.

You are hereby 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)

*James Dixby.*  
Chairman.

Enc. MCR 5077.

COPY.

Muskogee, Indian Territory, May 14, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of Moses H. Dolman et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 30, 1904.

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

Moses H. Dolman, M.C.R. 5077  
John H. Oxley et al., M.C.R. 5078.

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,

Yours truly,

*James H. H. H.*

Chairman.

Through  
The Commissioner of Indian Affairs.

2 Enc. NCR 5077.

(COPY)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Land.

WASHINGTON

June 9, 1904.

33618-1904.

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 Moses H. Dolman for the identification of himself, and by John H. Oxley for himself and his minor child, Jewel Oxley, as Mississippi Choctaws, wherein a decision rejecting them was entered by the Commission on March 30, 1904.

The record in this case shows that the applicants base their claims to a right to identification as Mississippi Choctaws on their descent from Joe or Jack Halsey and Patty Halsey, nee Potter. The witness gives the spelling of the name of the ancestor as "Haulsey". The witnesses have no definite knowledge as to residence of these ancestors in 1830, nor as their ownership of improvements in the Choctaw Nation at that time, or as to their compliance or attempt at compliance with the provisions of the Fourteenth article of the Choctaw treaty of that year, placing

their sole reliance on their Choctaw blood derived from these ancestors.

The Commission rejected the applicants for the reason that its records did not show that Joe or Jack Halsey, or Patty Halsey, nee Potter, or ancestors less remote, complied with the provisions of the Fourteenth Article of the Choctaw Treaty, or the subsequent legislation relative thereto.

An investigation of the records of this office has been made with reference to the names of Joe or Jack Halsey and Patty Potter and Patty Halsey, and it is ascertained that these names do not appear among the names of those Choctaw Indians who received land under the provisions of the Fourteenth Article of the Treaty or scrip under subsequent legislation relative thereto.

I therefore recommend that the decision of the Commission rejecting the applicants be approved.

Very Respectfully,

A. C. Tonner.

Acting Commissioner.

E.B.H.-L.C.

(COPY)

J.W.H.

DEPARTMENT OF THE INTERIOR

FHE

D.C. 25617-1904. WASHINGTON July 21, 1904.

I.T.D. 476B-1904.

L.R.S.

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

Gentlemen:

May 14, 1904, you transmitted the record in the consolidated Mississippi Choctaw case of Moses H. Dolman, et al., (M.C.R. 5077), including your decision of March 30, 1904, refusing to identify them as such.

Reporting in the matter June 9, 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,

1 inclosure.

Thos. Ryan.  
Acting Secretary.



COPY!

Muskogee, Indian Territory, August 1, 1904.

Moses H. Dolman,

Ravia, Indian Territory,

Dear Sir:

You are hereby notified that on the 21st day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Moses H. Dolman et al., of which decision you were advised by registered mail on the 28th day of April, 1904.

Respectfully,

(SIGNED)

*T. B. Woodlee*

Commissioner in Charge.

M.C.R. 3077

COPY:

Muskogee, Indian Territory, August 1, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that on the 21st day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Moses H. Delman et al., of which decision you were advised by registered mail on the 28th day of April, 1904.

Respectfully,

SIGNED

*T. B. Needles*

Commissioner in Charge

COPY.

Muskogee, Indian Territory, August 1, 1904.

Manfield, Mc Murray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 31st 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 Moses H. Dolman et al., of which decision you were advised by mail on the 28th day of April, 1904.

Respectfully,  
(SIGNED)

*T. B. Needles*  
Commissioner in Charge.

5077

5078

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

( C O P Y )

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I. T. D. 871-1907.  
D. C. 7610.

January 31, 1907.

L. R. S.

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

Sir:

January 18, 1907, the Department received a motion for reopening and rehearing in the Mississippi Choctaw enrolment case of Moses H. Delman and John H. Oxley, et al. The original application was denied by the Commission to the Five Civilized Tribes on March 30, 1904, and its decision was affirmed by the Department on July 21, 1904.

The motion to reopen is hereby denied, because it was not made within sixty days after the passage of the Act of Congress approved April 26, 1906 (34 Stat., 137), as required by the first section of said act.

No letter of transmittal accompanied the motion but the Indian Office will refer to the record and notify the parties in interest. The motion has been sent to that office to be filed with the case.

Respectfully,

1 inclosure to Ind. Of.

Thos Ryan  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.



Consolidated Case  
of  
Moses H. Dolman

REFER TO M. C. R. 5077

Patty Potter (fb or 1/2)  
mar  
Joe Halsey  
or Joe Haulsey  
(or Joseph Halsey)

Jack Haulsey  
~~Jack Halsey~~  
(dead)  
mar  
Susan Chapman  
(dead)

~~Jack Halsey~~  
Susan L. Haulsey <sup>70</sup>/<sub>4</sub>  
or Susan Savina  
or " Louvina  
or " Louvina  
mar  
John H. Dolman 79  
(white)

mer  
5077  
Moses H. Dolman 50-

mar  
Eliza S. Welch  
white

~~mer~~  
Sarah Lucy Dolman 44-<sup>1</sup>/<sub>8</sub>  
(or Lucy L. " )

mar  
Pressley Oxley  
white  
(or Pres Oxley)

mer  
~~mer~~  
Peter Joseph Dolman 40-<sup>1</sup>/<sub>8</sub>  
(or Joseph P. " )

mer  
~~mer~~  
Susie Dolman 28-<sup>1</sup>/<sub>8</sub>  
mar  
Thomas

mer  
5078  
John H. Oxley 26-<sup>1</sup>/<sub>16</sub>  
(or John Hardy - )  
wife  
Corinne Oxley  
white

~~mer~~  
Alice May Oxley 22-<sup>1</sup>/<sub>16</sub>

Moses E. Oxley

mer  
5078  
Jewel Oxley 6m

~~mer~~  
~~mer~~  
Morton Stanley Thomas 8  
(or Stanley)

" Leslie Gladys " 6  
(or Gladis)

Francis " 4

For Identification as a Mississippi Choctaw.

Date APR 1902

Name Moses H. Wolman.

Age 50 Blood Don't know.

Post Office, Ravia. I. T.

Father; John H. Wolman. l.

Mother: Susan L. " l.

Claims through mother  
wife Eliza C. Redman, w.

No claim for wife -

~~Claims~~  
Claims for self  
alone



Choctaw MCR 5078

John H. Oxley

See MCR 5077

MCR 5078

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, INDIAN TERRITORY, JUNE 6, 1900.

Choctaw R 509.

In the matter of the application of John Hardy Oxley for enrollment as a citizen by blood of the Choctaw Nation.

Being duly sworn and examined by Acting Chairman Bixby, John Hardy Oxley testifies as follows:

- Q What is your name? A John Hardy Oxley.  
Q What is your age? A My age is twenty four years.  
Q What is your post office address? A Ravia, Indian Territory.  
Q Do you live at Ravia? A Yes sir.  
Q Are you a Choctaw? A Yes sir.  
Q Do you make application as a Choctaw by blood? A Yes sir.  
Q What is the name of your father? A Pressley Oxley.  
Q Is she living? A Yes sir.  
Q Is she a citizen of the United States? A Yes sir.  
Q What is the name of your mother? A Sarah Lucy Oxley  
Q Is she living? A Yes sir.  
Q Is she on the rolls of the Choctaw Nation? A No sir.  
Q She claims to be a Choctaw by blood? A Yes sir.  
Q To what county does she claim to belong? A We live in the Chickasaw Nation.  
Q Does she claim to be a Choctaw residing in the Chickasaw Nation? A Yes sir.  
Q How long have you been residing in the Chickasaw Nation? A Over two years.  
Q When did you first come to the Indian Territory? A December 27th, 1897.  
Q Is that the first time you had been in the Indian Territory? A Yes sir.  
Q Where did you come from? A North North Missouri.  
Q Was you born in North Missouri? A Yes sir.  
Q Lived there all your life? A Yes sir.  
Q Have you ever been enrolled by the Choctaw tribal authorities? A No sir.  
Q Did you ever apply to the Choctaw tribal authorities for enrollment as a Choctaw citizen by blood? A No sir.  
Q Did you apply to the Dawes Commission in 1896 for enrollment? A No sir.  
Q Is this the first time you have ever appeared applied? A Yes sir, except at Gaddo.  
Q You appeared before this Commission? No sir, my grandmother did.  
Q What proportion of Choctaw blood do you claim? A One sixteenth.  
Q Are you married? A No sir.  
Q Is there any additional statement that you desire to make in regard to your case? A No sir.  
Commission: You will be permitted to file any additional statements, affidavits or other proper papers with this Commission if you desire to do so.

- R. L. Murray, being sworn, and examined by Mr. Cornish, Attorney for the Choctaw Nation, testifies as follows:  
Q Mr. Murray, you have heard the applicants testify? A Yes sir.  
Q Have you examined his features and general appearance? A Yes sir.  
Q What does he look to be? A He looks to me like a white man.

Acting Chairman: Your application for enrollment as a Choctaw Indian by blood has been refused for the reason that your name does not appear upon the rolls of the Choctaw Nation now in the possession of this Commission; and for the further reason that it does not appear that you have ever been recognized as a Choctaw by blood by the properly constituted authorities of the Choctaw Nation, or that you were admitted to citizenship by the Commission to the Five Civilized Tribes under the law of June 10th, 1896, or by the United States Court in the Indian Territory. The testimony in this case and all the papers which you may be pleased to file with the Commission will be forwarded to the Secretary of the Interior when the rolls are sent to him for final approval.

Anna Bell, being first duly sworn, says, that as stenographer to the Commission to the Five Civilized Tribes, she reported in full the testimony in the above entitled case, and that the foregoing is a complete and correct transcript of her stenographic notes in said cause.

-----  
*Anna Bell*  
-----

Subscribed and sworn to before me this 14th day of June, 1900.

-----  
Acting Chairman.

Wahkago, Indian Territory, September 18, 1900.

John M. Ouley,

Havia, Indian Territory.

Dear Sir:

The Commission is in receipt of your written request that the papers and proof in the matter of your application for enrollment as a citizen by blood of the Choctaw Nation be forwarded to the Secretary of the Interior for his final determination.

Your request has been filed with the other papers in this case and the record will be transmitted to the Secretary of the Interior for his consideration when the final rolls of the citizens of the Choctaw Nation are sent to him for approval.

Yours truly,

Acting Chairman,

7-R-509

COPY.

M.C.R. 5078

Muskogee, Indian Territory, April 28, 1904.

John H. Oxley,  
Ravia, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 30, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Moses H. Dolman et al., including you and your minor child Jewel Oxley.

You are further notified 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 Dixby.*  
Chairman.

Registered.

COPY!

Muskogee, Indian Territory August 1, 1904.

John H. Oxley,

Avia, Indian Territory,

Dear Sir:

You are hereby notified that on the 21st day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Moses H. Dolman et al., of which decision you were advised by registered mail on the 28th day of April, 1904.

Respectfully,

(SIGNED)

*I. P. Neelica,*

Commissioner in Charge.

A. 509

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

In the matter of the application of John H. Oxley, for enrollment as a citizen by blood of the Choctaw Nation.

The applicant, John H. Oxley, appeared before the Commission at Atoka, Indian Territory, June 6th, 1900, and from his oral testimony given at that time on behalf of his claim for enrollment as a citizen by blood of the Choctaw Nation.

It appears from the evidence in this case that the applicant has 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.

The application for enrollment as a citizen by blood of the Choctaw Nation of John H. Oxley, is therefore hereby refused.

BY THE COMMISSION.

  
Acting Chairman.

Muskogee, Indian Territory, August 28th, 1900.

**MEMORANDA**

(Date) *June 10 1900* 1899

Name *John H. O'Connell*

Choctaw? *yes* County *LeFlore* Year No.

Chickasaw? County *LeFlore* Year Page

Citizen by blood? *1/16* Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

.....	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.
.....	County	Year	Page	No.
.....	County	Year	Page	No.

*Refused*



No. 5078

For Identification as a Mississippi Choctaw

Date

APR 7 - 1902

Name John H. Oxley

Age 26 Blood 1/16

Post Office, Ravia, D. T.

Father: Pres. Oxley, l.

Mother: Lucy L., " l.

Claims through mother.

wife  
Corinne Oxley, l. w.

No claim for wife,

Children:

Jewel Oxley, 6.m

Claims for self  
and child -

Stenographer H. G. Harris

Choctaw MCR 5079

Sallie Vaughns

MCR 5079

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

**In the matter of the application of Sallie Vaughns, et al., for identification as Mississippi Choctaws, M.C.R. 2070.**

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

	Page.
Original application of Sallie Vaughns, et al. for identification as Mississippi Choctaws.	1
Affidavit of Mada Williams in support of application.	7
Decision of the Commission refusing the application of Sallie Vaughns, et al., for identification as Mississippi Choctaws.	8

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. April 7, 1932.

8079

In the matter of the application of Sallie Vaughns for the identification of herself and her five minor children, Nola, Catherine, Chelsey, Margaret and Ida Vaughns, as Mississippi Chectaws.

Applicant not represented by attorney.

Sallie Vaughns being duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Sallie Vaughns.  
Q What is your age? A Well, I don't just exactly know.  
Q About how old do you think? A From as well as I can recollect, and kind of keep count myself-- I left the record of myself in Texas; about forty five I guess.  
Q What is your post office address? A Wynnewood, Indian Territory.  
Q How long have you lived there? A I have been there I guess about nine years.  
Q Where did you live before that? A In East Texas; Panola County, and Ellis County and in Reasoke County.  
Q Always lived in Texas till you came to the Territory? A Yes, born there in Texas.  
Q Is your father living? A No sir.  
Q Is your mother living? A No sir.  
Q What was your father's name? A Cornelius Goins.  
Q What was your mother's name? A Hattie Goins.  
Q Through which parent do you claim of father or mother? A Father.  
Q How much Chectaw blood do you claim? A I don't know sir; one of the quarter I guess.  
Q You claim one quarter, do you? A Yes sir.  
Q Has your father ever been recognized in any way or enrolled as a member of the Chectaw tribe of Indians by either the Chectaw tribal authorities, the United States authorities in the Indian Territory?  
A No sir.  
Q Can you tell when and where your father and mother were married?  
A I can't tell.

- Q Have you proof of their marriage with you? A No sir.
- Q Do you think you could introduce it later? A Yes; they was married in Texas.
- Q What place in Texas? A Harrison County, Texas.
- Q What date? A I don't know sir.
- Q Are you married? A Yes sir.
- Q What-- is your husband living? A Yes sir.
- Q Is he a white man or black man? A Well, I can't say; he says he is more of an Indian and that his father was white; but he don't claim to be black man.
- Q Has he any negro blood at all? A He don't claim it at all.
- Q Well, what do you think about it? A Well, I think that he has more white than he has Indian; all--
- Q How much negro blood has he? A He says--
- Q Well, what do you think about it? A Well, I don't think he has.
- Q Is he as black as you? A No sir.
- Q Do you make any claim for your husband? A No sir.
- Q What is your father's blood? A He was an Indian.
- Q Do you claim all your Choctaw blood through him? A And my grandmother.
- Q You don't claim through your mother? A No sir.
- Q How much Choctaw blood did your father have? A I don't know, sir, he says his mother was a full blood Indian.
- Q If his mother was a full blood, wouldn't his mother be a half? A Yes sir.
- Q And you would be half of your father's? A Yes sir.
- Q And that would be a quarter? A Yes sir.
- Q Was your father a slave at any time? A No sir.
- Q Was your mother? A Yes sir.
- Q What was her blood? A She was negro.
- Q Was your father's blood any part negro? (No answer).
- Q Answer my question; do you know whether he had negro and Indian or negro and white or Indian? A Well, he didn't claim to have any negro blood at all.
- Q Did he claim to have white blood? A I don't know sir whether he did.
- Q Do you claim that you have any white blood at all in your veins? (No answer.)
- Q Answer my question. A Yes sir.
- Q How much white blood do you claim to have? A I don't know how much; I ought to have some.
- Q You don't look to have any white blood? A No sir.
- Q Don't you think that you are all negro-- unless you have some Indian blood? A Well, I have Indian blood.
- Q Your Indian blood don't show; do you think it does? (no answer.)
- Q Do you think you have the looks of an Indian at all in any way? A I don't know sir.
- Q What is your husband's name? A Oscar Vaughns; that's his white name.
- Q You say you make no claim for him? A No sir.
- Q How many children do you want to make application for? A Five.
- Q What is the name of the oldest? A Nola Vaughns-- a girl.
- Q How old is she? A She was born in 1883.
- Q Nineteen years old? A No sir, she's eighteen.
- Q Just give me the ages; what is the name of the next? A Catherine.
- Q How old is Catherine? A Fifteen.

- Q The next? A Chelsey.  
Q Boy or girl? A Girl.  
Q How old is Chelsey? A She is twelve years old.  
Q The next? A Margaret.  
Q How old is Margaret? A Eight years old.  
Q The next? A Ida.  
Q All these children are girls? A Yes sir.  
Q How old is Ida? A Four years old.  
Q Is Oscar Vaughns the father of these children? A Yes sir.  
A And you are the mother? A Yes sir.  
Q Were either you or your husband married before you married each other? A No sir.  
Q Are these children all living with you at your home? A Yes sir.  
Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children 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 for yourself and children too under the act of Congress of June 10, 1896? A No sir.  
Q Have you or your children, any of them ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.  
Q Have you ever made application to the Dawes Commission at any time to be enrolled and for the enrollment of your children as Mississippi Choctaws? A No sir.  
Q This is the first application you have ever made for yourself and children? A Yes sir.  
Q Do you now come before the Commission to be identified as a Mississippi Choctaw and for the identification of these children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes sir.  
Q Do you understand article fourteen of that treaty? A No sir.

The treaty of 1830 was made between the Choctaw Indians who lived in the old Choctaw Nation East of the Mississippi River and the United States Government at a place called Dancing Rabbit Creek in that State on the 27th day of September, that year. A treaty is an agreement or compact in writing made between two or more Nations instead of people or corporations; such a treaty or agreement or compact was made at that time for the professed purpose of removing all the Choctaw Indians who lived in the old Choctaw Nation from that 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 protect the interests of those Indians who wanted to stay back there article fourteen was put into the treaty; 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 subchild as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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 well enough to claim under it? A Yes sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? Whom do you claim through? A My father and grandmother.

Q Your father's mother? A Yes sir.

Q That's as far back as you go? A Yes, and my great grandfather.

Q What was your great grandfather's name? A Holman.

Q What is the full name? His other name? A Bill.

Q That is your great grandfather? A Yes sir.

Q Did he live in Mississippi? A Yes sir.

Q Did he live there in 1830 and have children there then? A Yes sir.

Q He was the head of a family there then, was he? A Yes sir.

Q Whom did he marry, do you know? A No sir; I don't know.

Q Did he have a Choctaw Indian name? A Yes sir.

Q What was it? A Let me understand you.

Q Did he have any Indian name-- any other name than Bill Holman?

A No sir; not that I know of.

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

Q How old would he be if living now? A Oh, Lord, I don't know.

Q Don't know when or where he died or was born? A Well, he died in Mississippi.

Q Don't you know when? A No sir.

Q You claim through your father, Cornelius Goins, don't you? A Yes sir.

Q How old would he be if living now? A I expect he would be about eighty or ninety.

Q Where was he born? A He was born in Mississippi.

Q What was his father's name? A Starling F Goin.

Q Was he a Choctaw Indian? A Yes sir.

Q Your father claimed through his father, then? A Yes sir, and his mother was a full blood.

Q How much Choctaw blood did Starling Goin have? A I don't know sir; his mother wasn't an Indian, she was a colored woman, his father was an Indian.

Q What was Starling Goin's wife's name? A Maria.

Q How much Choctaw blood did she have, if any? A It is claimed- my father said she was full blood.

Q Then both Starling goin and his wife, Maria, you claim had Choctaw blood? A Yes sir.

Q And they were the parents of your father, Cornelius Goin? A Yes sir.

Q And Cornelius Goin if living now would be over eighty years old and was born in Mississippi? A Yes sir.

Q Then you claim through Starling Goin and his wife, and that they lived in Mississippi and had at least one son there then who was your father? A Yes sir.

Q You don't go back any farther than then, 1830? A No sir; Bill Holman was the father of Maria who married Starling Goin.

Q And it was Starling Goin who was the head of a family in Mississippi in 1830? A Yes sir.

Q You don't know how much Choctaw blood he had? A No sir; I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A My grandfather did.

Q What did he own? A He had land there.

Q Did he have any improvements on land there? A My father claimed he had land there. I don't know whether he owned any improvements on it or not.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838 or 1840? 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 and tell him that they intended to stay in Mississippi, take land there and become citizens of the States? A I don't know sir.

Q Did any of your Choctaw ancestors claim any benefits or own any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I never heard.

Q Did they claim any land or any benefits under any other article of the treaty or the supplement to that treaty? A I don't know sir; only my father said his father had.

Q What did you hear your father say that his father had in Mississippi under article nineteen or under the supplement-- A All that I heard them say was that they had land there that was their homes there.

Q You don't know, do you? A No sir.

The Choctaw Indians who remained back in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of the fourteenth article of that treaty, to go to the United States Indian agent, Col. Ward, within six months after and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States; a good many Indians did this whose names COL. WARD failed to put upon his list known as Ward's Register, his failure to do this caused many Indians who had lands in Mississippi upon which they had improvements to lose them both, for they were taken from them by the Government and sold at Public Land Sale. This caused a good many complaints, so that in 1837 a Commission was appointed by Congress to go to Mississippi, hear claimants under article fourteen; in 1842 another Commission was appointed by Congress for the same purpose; this Commission went to Mississippi and heard claimants under article fourteen of that treaty.

Q Do you know if any of your Choctaw ancestors went before either the Commission of 1837 or the Commission of 1842 and claimed any benefits as Choctaw Indians under article fourteen of that treaty? A No sir; I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government as Choctaw Indians entitling them to select land in



Mississippi, Alabama, Arkansas or Louisiana, to take the place of the land which they had formerly held in the old Choctaw Nation and that the Government had taken from them? A I don't know sir.

Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A No sir.

Q You are the only one of your family? A Yes sir.

Q None of your married children have been here? A No sir.

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

Q Have you any evidence you want to introduce now in support of this claim? A No sir.

Q Do you want any time in which to introduce any other evidence?

A I don't know sir.

Q Do you think you can get along with fifteen days time to introduce anything else you would want to introduce in this case? A Yes, if I have to.

Fifteen days is allowed this applicant, if she desires, to introduce any other proper evidence in support of this case.

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

A No sir; my step-father's name was Geeter, but my right name was Goins; all of us called by our stepfather's name.

Q What was his full name? A Ellock Geeter.

Q Is that all you want to say? A Yes sir.

The applicant has the appearance and physical characteristics of being descended from negro parentage; she claims one quarter Choctaw blood but in no manner is any Choctaw blood apparent in her physical appearance. She does not understand the Choctaw language and has no knowledge of the compliance of any of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 7, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 30th day of April, 1902.

*Carmit Chellwood*

Notary Public.

COPY.

Gar.  
Cov.

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

-----0-----

In the matter of the application of Sallie Vaughns, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5079.

---: 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 Sallie Vaughns for herself and her five minor children, Fola,  
Catherine, Chelsey, Margaret and Ida Vaughns, under the following  
provision of the act of Congress approved June 28, 1898 (30 Stat.,  
498):

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

It also appears that all of said applicants claim rights  
in the Choctaw lands under article fourteen of the treaty between  
the United States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, by reason of being descendants  
of Bill Heiman, who is alleged to have been a full blood Choctaw  
Indian, and Starling F. Gain (or Gains) who is alleged to have been

possessed of some Choctaw Indian blood (degrees thereof not stated) both of whom 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 Bill Holman, or Starling F. Goin (or Goins), 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 Salife Vaughns, Nola Vaughns, Catherine Vaughns, Chelsey Vaughns, Margaret Vaughns and Ida Vaughns, as Choctaw Indians entitled 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 Dixby.  
Acting Chairman.

SIGNED: T. B. Needles.  
Commissioner.

SIGNED: C. R. Breckinridge.  
Commissioner.

Muskogee, Indian Territory,

DEC 19 1902

Miss. Chootaw 8079

Muskogee, Indian Territory, April 18, 1902.

Sallie vaughen,

Wynnewood, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of April 16, inclosing affidavit of Sada Williams offered in support of the application of Sallie vaughns et al. for identification as Mississippi Chootaws, and the same has been filed with the record in the case and will receive consideration in the disposition of the application.

Yours truly,

Acting Chairman.

Miss. Choctaw 5079

Muskegee, Indian Territory, May 1, 1902.

Sally Vaughn,

Wynnewood, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of April 29, in which you state that you cannot secure your marriage license and certificate, and you ask what you should do in the matter.

In reply to your letter you are advised that as you make application for your children and claim that they derive their Choctaw blood through you, the Commission will not require that you furnish evidence of your marriage to Oscar Vaughns, the father of these children, in support of the application for their identification as a Mississippi Choctaw.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 5079

Muskogee, Indian Territory, December 19, 1902.

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

Gentlemen:

You are hereby advised that on the 19th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sallie Vaughns, 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 Sallie Vaughns, Nola Vaughns, Catherine Vaughns, Chelsey Vaughns, Margaret Vaughns and Ida Vaughns, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

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

Respectfully,

James D. Smith

Acting Chairman.

Muskogee, Indian Territory, December 19, 1902.

Sallie Vaughns,  
Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that on the 19th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sallie Vaughns, 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 Sallie Vaughns, Nola Vaughns, Catherine Vaughns, Chelsey Vaughns, Margaret Vaughns and Ida Vaughns, as Choctaw Indians entitled 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 to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

*James Dixby*  
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, January 5, 1903.

The Honorable,  
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Sallie Vaughns, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 19, 1902.

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

Respectfully,

SIGNED

*Tam D. Dinty*  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.  
Enc. M.C.R. 5079

M S R 8879

Muskegee, Indian Territory, January 6, 1903.

Ballie Vaughns,

Wynnewood, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you state that you will be unable to submit further evidence in your case.

In reply to your letter you are informed that the fifteen days from December 19, 1902, heretofore granted you in which to file arguments in support of your claim, expired on January 4, 1903, and on January 5, 1903, the record in your case, together with the decision of the Commission refusing your application, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Acting Chairman.

M.O.R. 8079.

Muskogee, Indian Territory, January 12, 1903.

Sallie Vaughns,

Wynewood, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th inst., relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, in which you make certain statements regarding your Choctaw descent and that you are unable to employ a lawyer to file arguments in your case.

In reply, you are informed that the record in your case, together with the decision of the Commission refusing your application, was forwarded to the Secretary of the Interior January 5, 1903.

You will be duly notified of such action as may be taken by him.

Respectfully,

Acting Chairman.

Land  
1711-1903.

C O P Y.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 24, 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 Sallie Vaughns for the identification of herself and her five minor children, Nola, Catherine, Chelsey, Margaret and Ida Vaughns, as Mississippi Choctaws.

On December 19, 1902, the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation under the provisions of article fourteen of the treaty of 1830, and that their application for such identification should be refused.

An examination of the record evidence shows that the principal applicant, Sallie Vaughns, claims to have inherited her Choctaw blood from her father, Cornelius Goins her grandfather, Starling Goin, and his wife Maria Goin, nee Holman;

and also from her great-grandfather, Bill Holman.

An examination of the record evidence does not show that any of the said ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, or secured a patent for land thereunder. An examination of the office records does not add much to the record evidence, but these records do show that there was a Betsy Goin, daughter of I-a-tubbee, who was over ten years of age at the date of the treaty, as is shown by his statement which is as follows:

"I-a-tubbee. A full blood Choctaw five feet and 5 3/4 inches high about 40 years of age.

States that at the date of the treaty of Dancing Rabbit Creek he was the Choctaw head of a family and had at that time living with him a wife named Ha-cub-te-nah and the following step-children--

1. Betsy Gowin, over ten at date of Treaty.
2. I-sum.
3. John Under ten at that time.

These children were the children of his wife, but were adopted and treated as his own always after his marriage with the mother. That he resided at that time on the West side of Kin-took-tah Creek on the edge of the swamp, half a mile from the creek, used spring. Was in Leflores District.

That he went to the annuity at Leflores to get the names of himself and step children registered for the five years stay under the 14th article of the Treaty, but could not see the Agent Ward on account of the crowd until it was announced that he would register no more names. That he continued to reside on his improvement for about five years after the ratification of the Treaty when he was driven off by a white man named Raboon. That he then removed to the neighborhood of Cobbs where he has resided ever since.

That he never went west but has always resided in the ceded country, and never made a contract within five years from the ratification of the treaty which he considers binding to sell any land, scrip or other compensation to be allowed by Government in satisfaction of his claim under the Treaty, and never received or claimed land under any other article of the Treaty.

Sworn to and subscribed before us at Ropahka this 2nd day of January, 1843.  
I-a-tubbee, his X mark.

John F. H. Claiborne, Ralph Graves.

The office finds nothing in the record evidence which tends to show that the said Detsy Gein is in any way related to any of the ancestors of the applicants herein, nor is there any evidence in the office records showing that any person by the name of Holman ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or secured a patent for land thereunder.

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

Very respectfully,

A. C. TONNER,  
Acting Commissioner.

W.C.B. (8)

D.C.10473-1903.  
I.T.D.3234-1903.  
L.R.S.

C O P Y.  
B.A.F.

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

April 10, 1903.

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

Gentlemen:

January 5, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Sallie Vaughns and her minor children, Nola, Catherine, Chelsey, Margaret and Ida Vaughns, including your decision of December 19, 1902, refusing the application.

The principal applicant claims to have derived her Choctaw blood from her father, Cornelius Goins, her grandfather Starling F. Goin (or Goins), and her great-grandfather Bill Holman, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that any one of their alleged ancestors complied or attempted to comply with 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 (5Stat., 513).

Reporting March 25, the Acting Commissioner of Indian



Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has reviewed the whole record and finds no reason to modify your decision; it is accordingly affirmed.

Respectfully

THOS RYAN,  
Acting Secretary.

1 inclosure.

M.C.A. 4079

COPY.

Muskogee, Indian Territory, April 23, 1903.

Sallie Vaughns,  
Wynnewood, Indian Territory.

Dear Madam:

You are hereby notified that on the 10th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sallie Vaughns, et al., of which decision you were advised by registered mail on the 19th day of December, 1902.

Respectfully,

(Signed)

*James Diaby.*  
Chairman.

COPY.

Muskogee, Indian Territory, April 23, 1903.

Mansfield, McFerray & Corwin,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen

You are hereby notified that on the 10th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sallie Vaughns, et al., of which decision you were advised by mail on the 19th day of December, 1902.

Respectfully,

(SIGNED BY)

*Tanis Dixie.*

Chairman.

Muskogee, Indian Territory, May 4, 1903.

Sallie Vaughns,  
Wynnewood, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 29th ultimo, relative to the decision of the Commission refusing your application for the identification of yourself and minor children as Mississippi Choctaws. You state "I put in my application by blood, because I don't know anything about the treaty. If I have made any mistake please allow me to correct it."

In reply to your letter you are informed that it does not appear from our records that any person by the name of Sallie Vaughns ever made application to this Commission for enrollment as a citizen by blood of the Choctaw Nation. It does appear, however, that on April 7, 1902, you made application to this Commission for the identification of yourself and minor children as Mississippi Choctaws. On April 10, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application, of which departmental action you were duly notified on April 23, 1903. The Commission now considers this case closed.

Respectfully,

Chairman.

M C R 5079

Muskogee, Indian Territory, June 1, 1903.

Sallie Vaughns,  
Wynnewood, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 19th instant, by reference from the Secretary of the Interior. Therein you make certain statements relative to the decision of the Commission refusing your application for identification as a Mississippi Choctaw.

In reply you are informed that it appears from our records that on April 10, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application, of which departmental action you were duly advised on April 23, 1903. The Commission now considers this case closed.

Respectfully,

Commissioner in Charge.

MGR 5079

Muskogee, Indian Territory, November 15, 1905.

Sallie Vaughns,  
Wynnewood, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th instant, asking to be advised the present status of your application for identification as a Mississippi Choctaw. You state you have some witnesses whose testimony you will submit in support of your claim if the same is required.

In reply you are informed that the Secretary of the Interior, on April 10, 1903, approved the decision of the Commission to the Five Civilized Tribes rendered December 19, 1902, refusing to identify you and your five minor children, Nola, Catherine, Chelsey, Margaret and Ida Vaughns, as Mississippi Choctaws.

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

Respectfully,

Commissioner.

M.C.R. 5079.

Muskogee, Indian Territory, September 15, 1906.

Bond & Melton,  
Attorneys at Law,  
Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 11th instant, requesting to be advised of the present status of the Mississippi Choctaw application of Ballie A. Vaughn.

In reply to your letter you are advised it appears from the records of this office that on April 10, 1903, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of December 19, 1902, refusing the application made by Ballie Vaughns, April 7, 1902, for the identification of herself and her five minor children, Nola, Catherine, Chelsey, Margaret and Ida Vaughns, as Mississippi Choctaws.

It does not appear from the records of this office that any motion for reconsideration or review of this case is now pending, and under the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), the time within which such motions to reopen or reconsider could be received expired June 25, 1906. The decision of the Department of April 10, 1903, is, therefore, considered final.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date APR 7 1902

Name Fallie Vaughns.

Age 45 - Blood 1/4

Post Office, Wynnewood, D. T.

Father; Cornelius Goins, d

Mother: Attie " d

Claims through father

~~Husband~~  
Oscar Vaughns, l.

No claim for husband.

Children;

Nola Vaughns; 18

Catherine " " F 15

Chelsey (F.) " 12

Margaret " " 8

Ida " " 4

Claims for self &  
children

Stenographer H. G. Davis



Choctaw MCR 5080

Pearley Warren

MCR 5080

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

-----0-----

In the matter of the application of Pearley Warren et al.,  
for identification as Mississippi Choctaws, M.C.R. 8080.

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

	(Page)
Original application of Pearley Warren, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Marriage record of Louis W. Warren and Pearley Frazier.....	7
Affidavit of J. L. Rappolee.....	8
Affidavit of Sada Williams.....	9
Decision of the Commission refusing the applica- tion of Pearley Warren, et al., for identification as Mississippi Choctaws.....	10

-----

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskagee, I.T. April 7, 1902.

5090

In the matter of the application of Pearley Warren for the identification of herself and her minor child, Mamie Warren, as Mississipi Chestaws.

Applicant not represented by attorney.

Pearley Warren being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Pearley Warren.  
Q What is your age? A Twenty four.  
Q What is your postoffice address? A Wynnewood, Indian Territory.  
Q How long have you lived there? A About eleven years.  
Q Where did you live before that? A In Kansas.  
Q Where were you born? A In Kansas.  
Q At what place in Kansas? A Lazine, Kansas.  
Q Is your father living? A Yes sir.  
Q Is your mother living? A No sir.  
Q What is your father's name? A Calvin Frazier.  
Q What was your mother's name? A Mattie Frazier; she married a Dorsey.  
Q Did she get a divorce from her first husband or he from her?  
A I don't know.  
Q Through which parent do you claim Chestaw blood? A My father.  
Q How much Chestaw blood do you claim? A I don't know; my grandmother, was half Chestaw, so they told me; I have been told.  
Q Do you claim through anybody else except your grandmother? A My mother was part Indian.  
Q She is a daughter of your grandmother? A No sir.  
Q You don't know how much Chestaw blood you do claim, do you? A No I guess about a fourth I guess.  
Q Do you know how much Chestaw blood you have, if you know, say so and if you don't know, say so. A Well, I really don't know.  
Q Do you know when your father and mother were married? A No sir.  
Q Know where they were married? A I have been told they were married in Kansas.  
Q At what place in Kansas? A I don't know.

- Q Were they married by a minister and under a license? A I don't know that either.
- Q Have you the marriage license and certificate with you? A No sir.
- Q Can you introduce that if given time? A I don't know whether I could or not.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q Is he a white man or Indian? A He is mixed; he aint Indian.
- Q What is his mixed blood? A Colored and white.
- Q You don't make any claim for him then? A No sir.
- Q What is his name? A Louis Warren.
- Q What is the name of the child for whom you wish to make application? A Mamie Warren.
- Q How old is she? A Sevens.
- Q Sevens years? A Yes sir.
- Q You claim for yourself and this child, do you? A Yes sir.
- Q Did your father have any negro blood? A Not that I knowed of.
- Q Did your mother? A No sir.
- Q Have you any negro blood at all? A No sir.
- Q Well, you married a man who had negro blood, did you? A Yes sir.
- Q And this child, Mamie, has negro blood through her father? A Yes sir.
- Q Is it white and Indian through you? A Yes sir.
- Q Is Louis Warren the father of this child? A Yes sir.
- Q And you are the mother? A Yes sir.
- Q You are living with your husband? A No sir.
- Q Have you separated? A We are not together.
- Q Well, you have separated then, have't you? A I guess we are.
- Q Did he get a divorce or did you from him? A No sir, nothing like that.
- Q How long ago was it you separated? A Three months I reckon.
- Q Have you the children in your possession? A Yes sir.
- Q No action has been brought by either of you for divorce? A No sir.
- Q Do you claim that the Choctaw blood this child, Mamie, has comes through you and not any of it through Louis Warren? A He has none; it all comes through me.
- 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 for yourself and child to the Choctaw tribal authorities in Indian Territory? A No sir; not before.
- Q Did you ever make application for citizenship for yourself and child to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q You never made any application for citizenship in the Choctaw Nation before this time? A No sir.
- Q Have you ever made application for enrolment of yourself and you two children, Mamie and Mattie Beulah in the Chickasaw Nation? A Yes sir.
- Q You made application for citizenship by blood in the Chickasaw Nation for yourself and these children, did you? A Yes sir.

The records in the possession of the Commission show that on August 19, 1901, this applicant Pearley Warren made application for herself and her two children, Mamie Warren and Mattie Beulah Warren

for enrollment as Chickasaw Indians by blood in that Nation.

Q What was done with that application, do you know. A It was rejected.

Q Do you remember when it was rejected? A I don't know; the date of it is there though.

The records in the possession of the Commission further show that on August 19, 1901, this applicant made application for herself and her two minor children, Mamie and Mattie Beulah, as citizens by blood of the Chickasaw Nation; that on December 18, 1901, the Commission refused the enrollment of this applicant and her two said minor children, of which refusal she was duly notified on that date; that on December 30, 1901, there were forwarded to the Secretary of the Interior the memorandum made at the time of the hearing of said application and the action of the Commission thereon, and on January 11, 1902, the Secretary of the Interior concurred in the decision of the Commission refusing said application.

Q Were you ever admitted with your child, Mamie, to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A --

Q Never were, were you? A No sir.

Q What is the name of that second child? A Mattie Beulah.

Q Is she living now? A No sir.

Q When did she die? A In November, 1891.

Q Where did she die? A In Wynnewood.

Q Do you now come before the Commission to be identified as Mississippian Choctaw and for the identification of this child, Mamie, as a Mississippian Choctaw, claiming under article fourteen of the treaty of 1830? A Yes, I guess so.

Q Do you understand that article? A I don't know as I do.

The treaty of 1830 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, and was made for the purpose of the removal of the Choctaws from the old Choctaw Nation East of the Mississippi River 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 protect their interests, article fourteen was drafted and put into the treaty of 1830, and after that the treaty was signed and later on the 24th day of February, 1831, 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 think you understand that article well enough to claim under it? A Just the least part of it about removing here I want to hear.

Q Persons who claim under this article should not lose the privilege of a Choctaw citizen, but if they ever removed, that is, if they go from the Choctaw Nation in Mississippi or Alabama to the Choctaw Nation in Indian Territory, should not lose the privilege of a Choctaw citizen-- A Yes sir.

Q Do you claim under that article? A If I understand it right I do.

Q You think you do? A Yes sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw- I mean now the kin you claim through going back as far as you can to that ancestor through whom you claim your right to be identified? A My grandmother's father.

Q What was his name? A Massie Frazier.

Q M-a-s-s-i-e? A I suppose.

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

Q Did he live in Mississippi in 1830? A I don't know.

Q Did any of your ancestors live in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know, but I heard my grandmother say she came from Mississippi but whether she was there at that time or not I don't know.

Q What was the name of your grandmother? A Sallie Frazier.

Q Was she a daughter of Massie Frazier? A Yes sir.

Q Whom did she marry? A I don't know.

Q Was Sallie Frazier her name before she married? A Yes sir.

Q You don't know the name of the man she married? A No sir.

Q And you know that she lived in Mississippi? A I have heard her say so.

Q Is she living now? A No sir.

Q How old was she when she died? A I don't know exactly; the older people say she was about eighty years old.

Q And lived in Mississippi? A Yes sir.

Q She was about eight years old in 1830? A Yes sir.

Q When did she die? A She died about two years ago.

Q She would have been ten years old in 1830 then? A Yes sir.

Q Did she claim through her father or mother-- your grandmother?

A I don't know; but its Chickasaw and Choctaw both.

Q Through her father or mother? A I don't know.

Q Did she claim through Massie Frazier? A Yes sir.

Q Was that her father? A Yes sir.

Q She was ten years old in 1830 and was born in Mississippi, was she? A Well, I am not positive, but that's what I have been told. I didn't say really that she was eighty but I was told she was about that age.

Q Do you know where Massie Frazier was born? A No sir.

Q Know where he died? A No sir.

Q Know how old he was when he died? A No sir.

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

Q How much Choctaw blood did he have, do you know? A My grandma says that he was a full blood.

Q Full blood what? A Choctaw.

Q Did he have any Chickasaw blood? A No sir.

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

Q Have any of your Choctaw ancestors owned any improvements on land in the old Choctaw Nation East of the Mississippi River 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, Col. 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 any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838 or 1840? A I don't know that either.

Q Did any of them own any land or claim any in the old Choctaw Nation, East of the Mississippi River, under article fourteen of the treaty of 1830? A I don't know.

Q Did any of them own any land or claim any in the old Choctaw Nation East of the Mississippi River under any other article of the treaty than article fourteen or under the supplement to that treaty?

A 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 Choctaw 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 article fourteen of the treaty to go to the United States Indian agent, Col. Ward, at his agency in Mississippi within six months and tell him that they wanted to remain and take land in Mississippi and become citizens of the United States. A great many Choctaw Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register, and his failure to do so caused many Indians who had lands there and improvements to lose both; they were both taken from them by the Government and sold at Public Land Sale; this caused so many complaints among the Indians that in 1837 by an act approved March 3, that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed by an act of Congress approved August 23, that year, and this Commission went to Mississippi and heard claimants under article fourteen.

Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits under article fourteen of that treaty? A No sir, I don't know.

Q Did any of your Choctaw ancestors own or receive any scrip from the Government of the United States under an act of Congress approved August 23, 1842, which entitled them to select land in Mississippi, Alabama, Arkansas, or Louisiana, to take the place of the land which they had formerly occupied in the old Choctaw Nation but which the Government had taken from them and sold? A I don't know; never heard.

Q Have any relatives of yours been before the Commission to be identified as Mississippi Choctaws claiming through the same common ancestor through whom you claim? Any kin? A Not that I know of.

Q Have you any evidence or proof that you want to introduce now in support of this application for identification as a Mississippi Choctaw for yourself and child? A No sir.

Q Do you care for any time in which to introduce such evidence? A Yes sir.

Reasonable time will be allowed this applicant in which to furnish other proper evidence in support of this application.

Q Do you think you can get that proof ready in fifteen days?

A Yes I think I can.

Q You will be satisfied with fifteen days? A Well, if I could possibly have more time.

Q Well, thirty days time will be given this applicant in which to furnish further proof.

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

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

A I don't think of anything now.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, light complexion and brown hair; she has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 7, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 30th day of April, 1902.

*Wm. W. H. Hains*  
Notary Public.



*mm  
C.W.*

COPY.

DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes.

-----  
In the matter of the application of Pearley Warren, et al., for identification as Mississippi Choctaws, M. C. R. 5080.

-----  
---- 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 Pearley Warren for herself and her minor child, Mamie Warren, under the following provision of the act of Congress approved June 22, 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 both of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Massie (or Massey) Brasier, 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 neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 16, 1896 (29 Stats., 321).

It is found that the name of one Masse Frasier appears upon page 107 of Volume 7 American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's District in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama, at the date of the making of the treaty of "Dancing Rabbit Creek", and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land, in accordance with the provisions of the nineteenth article of said treaty. The record above referred to in no way relates to, or shows any compliance or attempted compliance, on the part of the persons therein named, with the provisions of the fourteenth article of the treaty of "Dancing Rabbit Creek," neither is it shown by the evidence offered by the applicants herein that the Masse (or Massey) Frasier, through whom they claim is the identical Masse Frasier whose name appears in the record above cited.

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty

of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Massie (or Massey) Frasier, 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 Pearley Warren and Mamie Warren 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.

CHIEF	<i>Jamie Linby.</i>
	<hr/>
	Acting Chairman.
MEMBER	<i>T. D. Needles.</i>
	<hr/>
	Commissioner.
MEMBER	<i>S. T. Brockmire.</i>
	<hr/>
	Commissioner.

Muskogee, Indian Territory,

DEC 5 1887

---

Miss. Choctaw 5080.

Muskogee, Indian Territory, April 18, 1908.

Henry Dorsey,

Wynnewood, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 16, 1902, inclosing affidavit of Sada Williams, certificate of J. L. Rappoles to an extract from Volume Seven of American State Papers, and marriage license and certificate between Louis W. Warren and Pearly Prasier, offered in support of the application of Pearley Warren, et al., for identification as Mississippi Choctaws, and the same has been filed with the record in this case.

Yours truly,

Acting Chairman.

COPY.

M. C. R. 5080

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

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

Respectfully,

SIGNED

*Tams Birby*

Acting Chairman.

COPY.

M. C. R. 5080

Muskogee, Indian Territory, December 5, 1902.

Fearley Warren,

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 Fearley Warren, 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 Fearley Warren and Mamie Warren as Choctaw Indians entitled 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.

P. W., S.

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

Respectfully,

SIGNED

*Tame Diaby*

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, December 23, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Pearley Warren, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

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

Respectfully,

Through the

Commissioner of Indian Affairs.

*Samuel G. Carter*  
Acting Chairman.

Enc. M. C. R. 5080.



C O P Y

DEPARTMENT OF THE INTERIOR

Land

OFFICE OF INDIAN AFFAIRS,

76252- 1902

Washington, March 3, 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 Pearly Warren, for herself and her minor child, Mamie Warren, for identification as Mississippi Choctaws claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from Massie (Or Massey) Frazier, 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 treaty of 1830, through Calvin and Sallie Frazier, father and mother of the principal applicant.

The Commission rejected the applicants December 5, 1902, because "it is found that the name of one Masse Frazier appears upon page 107, volume 7, American State Papers, Public Lands in a list of names of Choctaw Indians, heads of families, who resided in Greenwood LeFlore's District in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama, at the

date of the making of the treaty of 'Dancing Rabbit Creek' and had lands in cultivation in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the 19th article of said treaty"; 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 has been made in reference to the name of Masse (or Massey) Frazier, and it is discovered that one Masse Frazier received land under the 19th article of said treaty of 1830.

This being the case it is respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner

C.T.C (E.)

C O P Y

DEPARTMENT OF THE INTERIOR

WASHINGTON

RAF.

D.C. 8592

ITD. 2600- 1903

L.R.S.

March 25, 1903

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

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of Pearly Warren and her minor child, Mamie Warren, including your decision of December 5, 1902, refusing the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Massie (or Massey) Frazier, alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicants have ever been admitted or enrolled as citizens of the Choctaw Nation, or that said Massie Frazier, or a less remote ancestor of the applicants, 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). It appears that one Masse Frazier received land under article 19 of said treaty of 1830.

Reporting March 3, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has carefully reviewed the record and finds no reason to disturb your decision. It is accordingly affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary

1 inclosure.

K.C.R. 5080

COPY.

Muskogee, Indian Territory, April 2, 1903.

Pearly Warren,

Wynnewood, Indian Territory.

Dear Madam:-

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Pearly Warren, et al., of which decision you were advised by registered mail on the 5th day of December, 1902.

Respectfully,

SIGNED

*Tams Birby*  
Chairman

M.C.R. 5080

COPY.

Muskogee, Indian Territory, April 2, 1903.

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

Gentlemen:-

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Pearly Warren, et al., of which decision you were advised by mail on the 5th day of December, 1902.

Respectfully,

SIGNED

*Tamm B. Boring*

Chairman

For Identification as a Mississippi Choctaw.

Date

APR 7 1902

Name Pearly Warren,

Age 24 — Blood Don't Know.

Post Office, Wynnewood, D. T.

Father: Calvin Trazier, l.

Mother: Mattie Horney, d.

Claims through

father —

Husband

Louis Warren, l. (col. &amp; w.)

No claim for husband

Children:

Marnie Warren, 7.

Claims for self &  
child —

Cenographer

H. G. Nain.

Choctaw MCR 5081

Josie Cox

See MCR 3386

MCR 5081



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 8, 1902.

5081

In the matter of the application for identification as Mississippi Choctaws of Josie Cox for herself and her four minor children, Lura, Edna, Bruce and Loretta Cox.

B. S. Johnson, attorney for applicants. No appearance on the part of attorney.

Josie Cox being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Josie Cox.  
Q What is your age? A Thirty-five.  
Q What is your post office address? A Running Water, Hale County, Texas.  
Q How long have you lived there? A About six months.  
Q Where were you born? A In Mississippi.  
Q At what place in Mississippi? A Okalona.  
Q When did you leave Mississippi? A In seventy-three.  
Q Went to what state? A Texas.  
Q And have been there ever since? A Yes, sir.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A His initial is R. Q. Davidson.  
Q What was your mother's name? A Mary Davidson.  
Q Through which parent do you claim Choctaw blood? A My mother.  
Q How much do you claim? A Three-sixteenths.  
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 Is your husband living? A Yes, sir.  
Q Is he a white man or Indian? A Indian.  
Q What blood does he claim? A One-eighth.  
Q Is he a Choctaw Indian? A Yes, sir.  
Q Has he been before the Commission to be identified? A No, sir.  
Q Are you making any claim for him? A No, sir.  
Q You don't make any claim for your husband? A No, sir.  
Q What is his name? A Edwin Cox.  
Q Have you any children you want to make application for? A Yes, sir.  
Q Give me the name of the eldest? A Lura.  
Q L-u-r-a? A Yes, sir.  
Q How old is she? A Eight years old.  
Q That is a female? A Yes, sir.  
Q What is the name of the next child? A Edna.  
Q E-d-n-a? A Yes, sir.  
Q Is that a female? A Yes, sir.  
Q How old? A Six.  
Q What is the name of the next? A Bruce.

- Q How old is he? A Four years old.
- Q What is the name of the next? A Loretta.
- Q L-o-r-e-t-t-a? A Yes, sir.
- Q How old is she? A Two years old.
- Q Is that all the children? A Yes, sir.
- Q Is Edwin Cox the father of these children? A Yes, sir.
- Q Was he ever married before he married you? A No, sir.
- Q Was you ever married before you married him? A No, sir.
- Q They are living with you? A Yes, sir.
- Q You and your husband are living together? 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; not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory for yourself and children? 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, 1896? 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 to be identified yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A I claim all the treaties.
- Q You don't claim particularly under article fourteen? A No, sir.
- Q Do you understand what a treaty is? A I don't know that I full understand it.

A treaty is a compact in writing made between Nations instead of individuals. A treaty was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September of that year. The object of that treaty was to remove all the Choctaw Indians from that Country East of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty could be signed however it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory and in order to protect the interest of those Indians who elected to stay back in the old Choctaw Nation article fourteen was drafted and put into the treaty. That article was made for the especial benefit of Choctaw Indians who were then known and whose descendants are now known as Mississippi Choctaws. 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 intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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 don't know whether you claim under that article or under the whole treaty or under all the treaties? A I claim under all.
- Q You don't claim under that which I have explained to you particularly? A No, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother.
- Q What is her name? A Catherine Henley.
- Q H-e-n-l-e-y? A Yes, sir.
- Q Grandmother? A Yes, sir.
- Q Great grandmother? A No, sir; grandmother.
- Q How old would she be if living now? A I could not tell you.
- Q Would she be over seventy? A I could not tell you.
- Q Do you know whether she or any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No, sir; I did not.
- Q Can you give the names of any of your ancestors who lived in Mississippi in 1830 and had a family there then? A No, sir.
- Q Did Catherine Henley live in Mississippi in 1830 and was she the head of a family there at that time? A I could not tell you.
- Q How much Choctaw blood did she have if you know? A I could not tell you.
- Q Do you know whether she claimed through her father or mother? A Her father.
- Q She claimed through her father? A Yes, sir.
- Q What was his name? A Phillip Gates.
- Q Did Phillip Gates live in Mississippi in 1830 and was he the head of a family there then? A I don't know.
- Q Did you ever hear that either he or Catherine Henley lived in Mississippi? A Yes, sir; she was born and raised there.
- Q Did Phillip Gates live there in Mississippi? A Yes, sir.
- Q Was she a daughter of Phillip Gates? A Yes, sir.
- Q You don't know when she was born there? A No, sir.
- Q Did Phillip Gates or Catherine Henley either of them speak the Choctaw language? A Phillip Gates did.
- Q How do you know he did? A I have been told so.
- Q By some one in the family? A Yes, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I could not tell you.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent whose name was 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 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 No, sir; not that I know of.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama either under article fourteen of the treaty of 1830 or 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 under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A None that I know of.

The Choctaw Indians who remained in the old Choctaw Nation East of the Mississippi River after the treaty of 1830 was ratified were required if they wanted to take advantage 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 they wanted to stay in Mississippi or Alabama and 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 neglect 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 by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians and as the result of the complaints made, in 1837, by act approved March 3, of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress 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 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 land which they had formerly held in the old Choctaw Nation and which the government had taken from them and sold?  
A Not that I know of.
- Q These certificates or scrip as they were called then were issued under an act of Congress approved August 23, 1842. Have you any evidence that you want to introduce now? A No answer.

Written application of Josie Cox presented by her, received, filed, marked exhibit "A" and made a part of the record in this case.

- Q Have you any other evidence that you want to present? A No, sir.
- Q You care for any time in which to offer other evidence in this case? A No, sir.
- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is there anything more you would like to say in support of this claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. She has light complexion; blue eyes; light hair. 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.

- Q Are you related to Lucinda Standford? A Yes, sir.
- Q What relation is she to you? A Aunt.
- Q You want to have your case consolidated with hers and other applicants who have been here claiming through the same ancestor Phillip Gates? A Yes, sir.

Reference is here made to Lucinda Americus Standford, M.C.R. 3294.

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

came on April 8, 1902, and the above and foregoing is a full, true and correct statement of the same as made in said cause on said date of April 1902.

*H. Reservoir Kel*

Subscribed and sworn to before me this 8th day of April 1902.

*Claramit Chellwood*

Notary Public.

COMMISSIONERS

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

ALLISON L. AYLESWORTH,  
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5051

Muskogee, Indian Territory, October 15, 1902.

**Josie Cox,**

**Running Water, Texas.**

**Dear Madam:-**

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Gates, et al., embracing the following applications for identification as Mississippi Choctaws:

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emily Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John R. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 8690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3403
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.,	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.,	M C R 3606
Alice N. Sanders, et al.,	M C R 4489
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
Buena Vista Ivey, et al.,	M C R 3615
Add Benton Britton, et al.,	M C R 3820
William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emly Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Amie Winifred McLain, Klby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallmage Britton, Rily O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Velver Rogers, William Clifton Britton, Mertie Blanch Britton, Pearlie Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Rav Ivey, All Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,

— 8 —

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

Registered.

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



M.C.R. 5081

00  
Muskeges, Indian Territory, December 22, 1902.

Jessie Cox,

Denning Tower, Texas.

Dear Madam:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

*John H. ...*  
Acting Chairman.

MCR-5081

Muskogee, Indian Territory, October 19, 1906.

Josie Cox,  
Running Water, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

# For Identification as a Mississippi Choctaw.

Date APR 7 1902

Name Josie Cox

Age 35 Blood 3/16

Post Office, Running Water, Tex

Father: R. Q. Davidson, D

Mother: Mary " d

Claims through mother

Husband Edwin Cox — l.

No claim for husband

### Children:

Lura Cox — 8

Edna " 6

Bruce " 4

Loretta " 2

Claims for self & children

G. R. ...

Choctaw MCR 5082

Bobo Marris

See MCR 2582, 220, 1993

MCR 5082

5082

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Seale, Mississippi, March 25, 1902.

In the matter of the application of Bobo Marris for the identification of himself and one minor child, Otis, as Mississippi Choctaws.

Bobo Marris, 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 Bobo Marris.  
Q How old are you? A Twenty six years old.  
Q What's your post office address? A North Bend, Neshoba County, Mississippi.  
Q Have you lived in Neshoba County all your life? A Yes, sir.  
Q How much Choctaw blood have you? A Three quarters.  
Q Is your father living? A Yes, sir.  
Q What's his name? A Dibbin Marris.  
Q Is your mother living? A No, sir.  
Q What was her name? A Betsey.  
Q Was Betsey a full blood Choctaw? A Yes, sir.  
Q Did she live here in Mississippi all her life? A Yes, sir.  
Q Did she have a Choctaw name? A If she does, I don't know it. I was little when she died.  
Q How much Choctaw blood has your father? A Half.  
Q Has he lived in Mississippi all his life? A Yes, sir.  
Q Has he a Choctaw name? A No-mah-tubbee.  
Q Do you know the name of your father's father? A No, sir, I don't know.  
Q Do you know the name of your mother's father? A No, sir, I don't know.  
Q Or your mother's mother? A I don't know nary one of them; they been dead long time ago.  
Q You don't know, then, the name of any one of your ancestors, except your father and your mother? A No, sir, they been dead long time ago, before I was born, or maybe about time I was born.  
Q So far as you know all of your ancestors have lived here in Mississippi? A Yes, sir.  
Q Are you married? A Yes, sir.  
Q Wife living? A Yes, sir.  
Q Living with her at this time? A Yes, sir.  
Q What's her name? A Elisabeth.  
Q Is she a full blood Choctaw? A Yes, sir.  
Q When did you marry her? A I married her before Christmas last year.  
Q Do you know whether, within the last year, and before your marriage to her, she appeared before this Commission and made application for identification as a Mississippi Choctaw? A No, sir, I don't know.  
Q Was she ever married to a man by the name of John Bob? A Yes, sir

Bobo Marris, et al., 2.

- Q When did they separate? A I don't know when they been separated.  
Q Was she living with him three years ago? A I expect so.  
Q Did she ever have any children by him? A Yes, sir.  
Q How many? A One.  
Q Do you know what it's name was? A No, sir.  
Q Did you ever hear that it was Sidney? A I just heard you say it was the first I ever heard it.

The records of the Commission show that on the first day of May, 1901, Elizabeth Bob appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of herself and minor child, Sidney, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number R-1993.

- Q Is this child of your wife living now? A No, sir, been dead.  
Q When did it die? A It died last July.  
Q How many days in July? A I don't know how many days.  
Q Your wife has no children living now, then? A No, sir.  
Q Were you ever married before you married Elizabeth? A Yes, sir.  
Q How many times? A One time.  
Q What was your first wife's name? A Margaret.  
Q Ever have any children by Margaret? A Yes, sir, two.  
Q Are they both living? A No, sir, one dead.  
Q What's the name of the one that's dead? A Ike.  
Q What's the name of the one that's living? A Otis.  
Q How old is he? A Three years old; he was born the 4th of March, 1899.  
Q He is the son of yourself and Margaret? A Yes, sir.  
Q Was Margaret a full blood Choctaw? A Yes, sir.  
Q Did she always live in Mississippi? A Yes, sir.  
Q What was her father's name? A Farbus Frazier.  
Q Is he dead? A Yes, sir.  
Q What is Margaret's mother's name? A Mary Frazier.  
Q Is she living at this time? A Yes, sir.  
Q Mary and Farbus both full bloods? A Yes, sir.  
Q Is Otis living with you now? A Yes.  
Q This application, then, is for yourself and one child, Otis?  
A Yes.  
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 kind ever been made before today for you or this child? A Three years ago at Philadelphia.

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, Bobo Marris, wife, Margaret, and minor son, Ike, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 220; also, upon page 64 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

Bobo Marris, et al., 3.

in the Choctaw lands in Indian Territory under the fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers 766, 777 and 788, respectively, thereon.

Q This application made three years ago the only application of any kind you have ever made for the purpose of establishing your rights as a Choctaw Indian? A Yes, sir.

Q When did Margaret die? A Christmas Day, 1900.

Q When did Ike die? A July, 1900.

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 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, over seventy one years ago, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and 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, 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 become a citizen of the States, 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."

Bobo Marris, et al., 4.

Q Do you understand that 14th article now? A Yes, sir.

Q Did any of your ancestors, or any of the ancestors of your first wife, Margaret, ever comply or attempt to comply with the provisions of that 14th article of 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 if they did.

Q Did any of them live here at that time? A I don't know.

Q Did any of them ever 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? A I don't know; never heard.

Q Did any of them ever get any land from the Government of the United States here in Mississippi under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A I don't know it, if they did.

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 between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors, or any of the ancestors of your first wife, ever comply - 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.



Bobo Marris, et al., 5.

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, or any of the ancestors of your first wife, ever get any of this scrip from the Government of the United States under this Act of Congress? A Never did hear it if they did.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors, or any of the ancestors of your first wife, covering land here in Mississippi received from the Government? 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 first wife, 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.

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.

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 by the Commission 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, Mississippi, April 14th to 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 Any further statements you want to make? A No, sir.

Q How many brothers have you living? A Six, Jim, Sanderson, Tom, Marris, Steve and Wench.

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

Q How many? A Four. One is Susan Bull, the wife of Asa Kimon Bull.

Q Next one? A Nancy.

Q Is she married? A No, sir.

Q Next one? A Missie.

Q Is she married? A No, sir.

Q Next one? A Matt.

Q Is she married? A No, sir.

Q Is that all? A That's all.

Q Has your father any brothers living? A Yes, sir.

Q How many? A One.

Q What's his name? A Watson Marris.

Q Are any of your first wife's brothers living? A Yes, sir.

Bobo Marris, et al., 6.

- Q How many? A Four, Seale, Wesley, Henson and Echol Frasier.  
Q Any of her sisters living? A Yes, sir, three.  
Q What are their names? A One named Minerva Marris, the wife of Jim Marris, who is my brother.  
Q Next one? A Ann Amos, the wife of Lampkin Amos.  
Q Next one? A Susanna Bell, wife of Johnson Bell.

(This applicant has the appearance of being possessed of fully as much Indian blood as is claimed by him. He speaks and understands the Choctaw language and also speaks and understands English fairly well, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 25th day of March, 1902, at Seale, 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 5th day of April, 1902.

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

by *[Signature]*

deputy.

M C R  
2049 2054  
2052 2101

Nowata, Indian Territory, May 12, 1903.

Bobo Harris,  
Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you ask if the following named persons have been identified as Mississippi Choctaws:

Bobo Harris	Handerson Harris
Ben Gipson	Maggie Willis
Charley Jacob.	

In reply you are informed that the Commission has not up to the present time rendered any decision relative to the right of yourself and Handerson Harris to be identified as Mississippi Choctaws. As soon as a decision is rendered you will be duly notified of the action of the Commission.

You are further advised that Ben Gipson and Charley Jacob have been identified by this Commission as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations, of which action they were duly advised at their last known post office address, Cushtusa, Mississippi.

It does not appear from our records that any person by the name of Maggie Willis is an applicant to this Commission for

1 1 1

Identification as a Minister of State,  
Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August 20, 1903.

Bobo Marris,

Stigner, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 14, in which you ask if you can make application for the identification of your child, Ida Marris, born July 15, 1902, as a Mississippi Choctaw.

In reply to your letter you are informed that it does not appear from our records that any application has been made to this Commission for the identification of your child, Ida Marris as a Mississippi Choctaw, and under the provisions of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902, the Commission is now without authority to receive or consider any original application for identification as Mississippi Choctaws.

Relative to that part of your letter in which you ask if you will be identified as a Mississippi Choctaw, you are informed that it appears from our records that you are an applicant to this Commission for the identification of yourself and your son, Otis Marris as Mississippi Choctaws but no decision has yet been reached relative to your right for such identification. As soon as a decis-

B M 2

ion is reached in this case you will be notified of the action of  
the Commission.

Respectfully,

Commissioner in Charge.

COPY

Stigler I. T. Nov the 2 1903

to the hon Com to the Five tribes  
muskogee, I. T

dear Sir Some time ago I reseved a letter from you in wich you  
spoke of my child Otos as my son my child Otos is a girl and not  
a boy please let it a pair on the books also after I was be  
fore your hon body in mississippi I was married to Elizbeath Dick-  
son ho is now my Wife can she be Identified as Elizebeth Marris  
please attend to this for me as ever

(signed) bobo Marris

M C R 5082  
M C R 1993

Muskogee, Indian Territory, November 9, 1903.

Bobo Marris,

Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you state that some time ago you received a letter from this Commission in which it referred to your minor child, Otis Marris, as your son, but that said child is a girl and you wish to have her appear upon the records of the Commission as such. You further state that you have married Elizabeth Dickson and ask if she can be identified as Elizabeth Marris.

In reply you are informed that your request to have the name of your child, Otis Marris, appear upon our records as a female instead of a male has been complied with.

You are further advised that on April 27, 1903, the Commission rendered its decision identifying Elizabeth Marris as a Mississippi Choctaw, a copy of said decision being mailed to her at Philadelphia, Mississippi, her last known post office address. Said decision was returned to this office marked "unclaimed", and is this day remailed to Stigler, Indian Territory.

Respectfully,

Commissioner in Charge.



M C R 5082  
M C R 5101

Muskogee, Indian Territory, December 29, 1903.

Bobo Morris,  
Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the joint letter of yourself and Sanderson Morris, dated December 2, 1903, in which you ask why you have not been identified as Mississippi Choctaws. You also ask that you be furnished eight or ten "land plots."

In reply you are informed that it appears from our records that you and Sanderson Morris are applicants to this Commission for identification as Mississippi Choctaws, but up to the present time no decisions have been rendered relative to your rights to such identification. When decisions are rendered in your cases you will be duly notified thereof.

In compliance with your request, there are herewith enclosed ten township diagrams, Choctaw Nation.

Respectfully,

Chairman.

McM 45

M C R 5082

Muskogee, Indian Territory, August 3, 1904.

Bobo Marris,  
Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, in which you ask why you have not been identified as a Mississippi Choctaw.

In reply you are advised that the Commission is now considering your application for the identification of yourself and minor child as Mississippi Choctaws and it is probable that a decision will be rendered in the near future, when you will be promptly notified of such action as may be taken by the Commission.

Respectfully,

Commissioner in Charge.

M C R 5082  
M C R 5101

Muskogee, Indian Territory, August 13, 1904.

Honorable Green McCurtain,  
Principal Chief Choctaw Nation,  
Kinta, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, in which you ask to be advised the status of the Mississippi Choctaw applications of Bobo Marris, et al. and Sanderson Marris, et al.

In reply you are informed that it appears from our records that on March 25, 1902, Bobo Marris appeared before this Commission at Seale, Mississippi, and made application for the identification of himself and his minor child, Otis Marris, as Mississippi Choctaws; also on March 29, 1902, Sanderson Marris made application before this Commission at Seale, Mississippi, for the identification of himself and minor child, Lula Marris, as Mississippi Choctaws.

No decisions have yet been rendered by the Commission relative to the rights of the above named persons to be identified as Mississippi Choctaw Indians. However, when their applications are passed upon by the Commission they will be promptly notified of such action as may be taken.

Respectfully,

Commissioner in Charge.

COPY.

M.C.R. 5082

Muskogee, Indian Territory, September 27, 1904.

Bobo Marris,

Stigler, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying you and your minor son, Otis Marris, as Mississippi Choctaws.

Under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641), in order for you to avail yourselves of the benefit thereof you must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before March 24, 1905. The Act above referred to also provides that proof of such settlement shall be made within one year after the date of the identification of the persons herein named, as Mississippi Choctaws.

By the Act of Congress approved April 21, 1904 (Public No. 125), it is provided that the Commission shall close its work and terminate on or before the first day of July, 1905. It is, therefore, suggested that you appear before the Commission, at the Choctaw Land Office, at Atoak, Indian Territory, or the Chickasaw Land Office, at Tishomingo, Indian Territory, for the purpose

B. M. 2

of making proof of your removal to and settlement within the Choctaw-Chickasaw country, at the earliest practicable date.

Respectfully,

(SIGNED) *Tame Bixby,*  
Chairman.

Registered.

Incl. M.C.R. 5062.

W. O. B.

COMMISSIONERS:  
TAMM BERRY,  
THOMAS B. NEEDLES,  
C. E. BRACKENRIDGE,  
WM. O. BEALL,  
Secretary.

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

ORDER IN REPLY TO THE FOLLOWING:
M C R 1993
5082

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

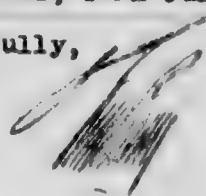
Muskogee, Indian Territory, April 22, 1905.

Bobo Marris,  
Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Otter Morris, infant son of Bobo and Elizabeth Morris, born June 30, 1902.

Respectfully,



Chairman.

M C R 5082

Muskogee, Indian Territory, May 12, 1905.

Bobo Marris,

Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, enclosing a communication to you from this office, under date of April 28nd, in which receipt was acknowledged of an application for the enrollment of your infant child, named in said application as Otter Marris. You state in your letter of the 10th instant that the notary public made a mistake in the name of your child; that it should be Ida instead of Otter.

In order that you may submit an application in proper form for the enrollment of your child, Ida Marris, a new blank is herewith enclosed. You should attend to this at once.

Respectfully,

Chairman.

B.C.

INDIAN LAND AND MONEY

LFS-3-23-43

Otis Marris, Miss. Cess. 1300.

March 23, 1943.

Mr. Leland Stark, Field Aid,  
McAlister, Oklahoma.

Dear Mr. Stark:

At time of preparation of tax exemption certificates, a certificate was signed on January 28, 1929, by one Otis Marris, now Fisher, as Mississippi Cheetaw 1300, 7/8 Indian blood, covering the land described therein for tax exempt purposes.

Identified Mississippi Cheetaw Census Card 867 shows enrollment of Otis Marris as Approved Roll No. 1300, as male, three years of age as of March 25, 1902, son of Bobo Marris, and Margaret Marris, dead before enrollment.

It is understood that said Otis Marris now Fisher is no longer living, but this office would be pleased to have you make an investigation and report as to this person in order to request that the records we have on file in this office be changed as to sex, if you find that an error was made at time of enrollment of this person. No doubt Mrs. Fisher has relatives living who will be able to make affidavits in this connection.

Respectfully,

Assistant to Superintendent.



**INDIAN LAND AND MONEY**

**LPS 3-23-43**

**Otis Harris, Miss-Choc  
1300.**

**RECEIVED**

Five Civilized Tribes

**MAR 31 1943**

**McAlester, Oklahoma,  
March 29, 1943.**

**Mr. A. M. Landman, Supt.,  
Five Civilized Tribes,  
Muskogee, Oklahoma.**

**Dear Sir:**

**We are enclosing herewith an Affidavit  
signed by George Fisher, Choctaw Rn. 15800, properly  
acknowledged before a Notary Public on the 27th day  
of March 1943, concerning the sex status of the allottee  
named above.**

**This complies with your letter of  
the 23rd instant.**

**Yours truly,**

---

**Leland Stark,  
Field Aid.**

**BW.**

INDIAN LAND AND MONEY

LFS-3-23-43

Otis Marris, Miss.Choc.1300

*TRed*  
*Mar 31 1943*

McAlester, Oklahoma.  
March 25, 1943.

Mr. George Fisher,  
Lodi, Oklahoma.

Dear Mr. Fisher:

We have prepared an affidavit in the case of Otis Marris, deceased, Miss-Choc. Rn.1300, your wife. In connection with the matter you are advised that we have just received a letter from the Muskogee Office of the 23rd instant concerning the decedent's sex status.

Otis Marris, appear on the rolls as a male person, and not a female, and it is the desire of the Muskogee Office to get the rolls adjusted even though she be deceased, and in order to clear the records, an Affidavit is necessary.

Please have the Affidavit acknowledged before a Notary Public. If you will take the instrument before Mr. O. P. Brewer at the Bank of Red Oak, he will be glad to assist you.

Penalty envelope is enclosed for reply.

Yours truly,

\_\_\_\_\_  
Leland Stark,  
Field Aid.

mw.

RECEIVED  
Five Civilized Tribes  
MAR 31 1943

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
FIELD SERVICE

Red Oak, Oklahoma,  
March 25, 1943.

AFFIDAVIT

STATE OF OKLAHOMA |  
LATIMER COUNTY | SS

*OTIS* This is to certify that I personally know  
Miss Marris, Miss-Choc, #1300 to be a female, and  
not a male as shown on the final rolls of the Chickasaw-  
Choctaw.

*OTIS* Miss Marris, Miss-Choc, #1300 was my wife  
during her lifetime. She was my wife at the time of her  
death.

*George Fisher*  
George Fisher  
Choctaw Sp. 1300.

Subscribed and sworn to this *27* of March 1943.

*Alvin*  
Notary Public.

My Comm. Exp. June 15, 1943.

INDIAN LAND AND BOUNTY

428-4-22-43

Change in records as to sex of  
Otis Harris, Mississippi  
Chestaw 1300.

WELS

April 22, 1943.

The Honorable  
Commissioner of Indian Affairs.

Dear Mr. Commissioner:

We are enclosing letter dated March 23, 1943, by this office to Mr. Leland Stark, Field Aid, McAlester, Oklahoma, regarding the enrollment of Otis Harris as Mississippi Chestaw 1300, 7/8 Indian blood, son of Bobe Harris, Mississippi Chestaw 1299. Mr. Stark was asked to secure an affidavit as to the sex status of this enrollee. Mr. Stark immediately furnished this office with an affidavit signed by George Fisher, Chestaw 1300, husband of said Otis Harris, now deceased.

We are also enclosing copy of letter dated November 2, 1903, signed by Bobe Harris, father of Otis Harris, in which he states his child, Otis Harris was a girl instead of a boy; and copy of letter dated November 9, 1903, from the Commissioner in Charge, in which Mr. Harris was advised that his request to have the name of his child, Otis Harris appear upon the records as a female instead of male had been complied with. However, it seems that this was not done, and we respectfully request authority to make this change, to insert "dam." instead of "son" and "y" instead of "H" upon any records in this office regarding the enrollment of said Otis Harris, Mississippi Chestaw 1300.

Respectfully,

Superintendent.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

IN RE

Application for the *Identification* of

INFANT CHILD

*Otis Marris.*

MISSISSIPPI CHOCTAW

MISSISSIPPI CHOCTAW

Approved

190

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

Commissioner.

*See Miss Cho Card Filed 11/20.*

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.

*[Signature]*  
Acting Chairman.

MISSISSIPPI CHOCTAW.

220

508 ✓

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

FILED  
APR 4 1902

*[Signature]*  
ACTING CHAIRMAN.

BIRTH AFFIDAVIT.

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

IN RE Application for <sup>Identification</sup> ~~Registration~~ as a MISSISSIPPI CHOCTAW Nation

of Otis Marris (Here insert name of child) born on the 4 day of March, 1899  
Name of Father: Bobo Marris, a MISSISSIPPI CHOCTAW Nation.  
Name of Mother: Margaret, a MISSISSIPPI CHOCTAW Nation.  
Post-office, North Bend, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

~~State of Mississippi~~  
~~County of Washita~~

I, Bobo Marris, on oath state that I am 26 years of age and a 3/4 blood Choctaw Indian Nation;  
~~that I am a full blood~~ who is a citizen of the

that my deceased wife Margaret, who was a full blood Choctaw Indian (male or female) child was born to me on the 4 day of March, 1899; that said child has been named Otis Marris, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Guy L. V. Emerson Bobo Marris mark  
Oscar Billy

Subscribed and sworn to before me this 25 day of March, 1902.

L. B. Mosely, Clerk  
U. S. Circuit Court, District of Mississippi  
By [Signature]

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

~~State of Mississippi~~  
~~County of Washita~~

I, Mary Grazier, on oath state that I attended on Mrs. Margaret Marris, <sup>late wife of</sup> wife of Bobo Marris, on the 4 day of March, 1899; that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Otis Marris.

WITNESSES TO MARK

(Must be Two Witnesses)

R. S. Street Mary Grazier mark

Subscribed and sworn to before me this 31 day of March, 1902.

L. B. Mosely, Clerk  
U. S. Circuit Court, District of Mississippi  
By [Signature]

#1914

No. 5032

For Identification as a Mississippi Choctaw.

Seale, Miss.

Date

MAR 25 1902

Name Bobo Marris

Age 26

Blood 3/4

Post Office, North Bend, Miss.

Father: Dibbin Marris 1/2 L  
Ho-mah-tubbee

Mother Petsey " d

Claims through  
wife Elizabeth Marris (full)

Elizabeth, see Marris (Hoo. card

No. P. 1993. See Marris (Hoo. card  
in July 1902.

Children:

Otis Marris 3  
Mother Margaret Marris (full) d

For self sees one child

Marris (Hoo. card 220.

Stenographer

A. S. Street

Choctaw MCR 5083

Ed Willis

See MCR 529, 2064

MCR 5083



5083

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Seale, Mississippi, March 25, 1902.

In the matter of the application of Ed Willis for identification as a Mississippi Choctaw.

Ed Willis, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Ed Willis.
- Q How old are you? A About twenty four years old.
- Q How much Choctaw blood have you? A Half.
- Q What's your post office address? A Aden, Mississippi.
- Q How long have you lived in Neshoba County? A Been living in Neshoba County all my life.
- Q Is your father living? A Yes, sir.
- Q What's his name? A Billie Willis.
- Q Is your mother living? A Yes, sir.
- Q What's her name? A Lou Willis.
- Q Has your father any Choctaw blood? A Yes, sir, full blood.
- Q Does he speak or understand the Choctaw language? A Yes, sir.
- Q English too? A Little bit, not much; no more than he can just possibly talk it.
- Q Has your mother any Choctaw blood? A No, sir.
- Q Full blood negro? A Yes, sir.
- Q How long have your father and mother lived together? A I don't know, sir, they have been living together though - well, I reckon about forty years.
- Q About how old a man is your father? A My father is sixty four years old.
- Q Was he married to your mother? A Yes, sir, married in Philadelphia
- Q Under a license? A Yes, sir.
- Q Has your father lived in Neshoba County all his life? A I don't know whether he has or not.
- Q Has he a Choctaw name? A What do you mean by that?
- Q You know, the Choctaws have English names, and then they have Indian names that the Indians call them - Choctaw names? A I don't know how that is.
- Q Don't know whether he has or not? A No, sir.
- Q Do you know the name of your father's father? A No, sir, I don't know his name.
- Q Do you know the name of your father's mother? A No, sir.
- Q You don't know the names of any one of your father's ancestors?
- A No, sir, no further than my father.
- Q Are you married? A No, sir.
- Q Have you ever been 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, I don't know.
- Q Do you speak or understand the Choctaw language? A No, sir, I can't understand that at all; can't talk it a bit.

Ed Willis, 2.

You have lived with your father all your life, and can't understand it? A No, sir, been there twenty four years.

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 Well, they have been off and on along about four or five years, every once in a while some fellow would come out and do around, and every year about this time somebody else comes.

Q Well, now, I mean has any application of any description ever been made to the Government authorities, the United States authorities? A I don't know, sir, every one that comes claims to come under that authority.

Q Do you know whether your father made application for you at Philadelphia, three years ago, or not? A I don't remember whether he did or not.

The records of the Commission show that on the first day of February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Billy Willis, his wife, Lou, and children, Hamp, Ed, George, Lloyd, Tommie, Emma, Virgie, Sam, Nola and Prumer J., as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 529; also, upon page 107 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 provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1899, 1900 and 1901, respectively, thereon.

Q Do you know whether any other application of any kind, except this one at Philadelphia, three years ago, has ever been made to the United States authorities, in your behalf, for the purpose of establishing your rights as a Choctaw Indian? A No, sir, I don't know.

Q Your father ever live in Indian Territory? A I don't know whether he ever did, or not.

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 Well, I don't know it is.

I will tell you about it. This treaty of Dancing Rabbit Creek was entered into 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 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

Ed Willis, 3.

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

Q Now, I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek, do you think you understand that? A No, sir, I don't know any more about it now than I did at first.

Well, as I stated, this 14th article was put in the treaty for the benefit of these Choctaw Indians living here seventy one years ago, when the treaty was made, who wanted to stay here in Mississippi and not move out to the new nation. It provided that in case a Choctaw wanted to stay here in Mississippi and take land here in Mississippi,

he should, within six months from the time the treaty was ratified, that is, six months from the time the treaty was finally agreed to, let the agent of the Government -- the Government had an agent here for that purpose -- know that he wanted to stay here and become a citizen of the States and take land here, and he was then entitled to a reservation here in Mississippi, of this land in the old nation, of one section of land, or a piece of land a mile square, and if he had a child in his family over ten years of age at the time the treaty was made, for that child, or as many children over ten years of age as he might have, he was entitled to one-half section of land, or three hundred and twenty acres, and if he had any children in his family under ten years of age at the time the treaty was made, for each

Ed W  
Ed Willis, 4.

of those children he was entitled to a quarter section, or one hundred and sixty acres of land. The reservations of these children were required by the terms of the 14th article to adjoin the location of the parent, and these reservations for the Indians who wanted to stay here, were required to include the improvement of the Indians as they existed on the 27th day of September, 1830. Now, if the Indians lived on that land, so reserved for them by the Government under this 14th article, for a period of five years from the 24th day of February, 1831, - that's the day the treaty was ratified - they were then entitled to a deed or patent to the land from the Government, and the land became the property of the Indians, and he could dispose of it then in any way he wanted to. But that 14th article said further 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 joined the tribe out in 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 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 this 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits under that article? A I don't know whether they did, or not.

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? That's seventy one years ago? A I don't know.

Q Did any of them, in fact, live here at that time? A I don't know whether they did, or not.

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 whether they did or not.

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 I don't know.

Q Did any of them ever get 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 whether they did or not.

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 not move out to the new nation. 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

Ed Willis, 5.

the States and take land, and on this account, the Government at its public land sales here in Mississippi, along in the thirties, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive from the Government under the 14th article of the treaty, as they had done what they supposed the 14th article required them to do to entitle them to the 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 done everything that the 14th article of the treaty required them to do with the intention of taking land under that 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. They held sessions here in Neshoba County, right along where our camp is now, and they held sessions in Leake County, and a great many Indians came before them from the old Choctaw Nation, and tried to establish their claims to land under this 14th article of the treaty.

Q Now, did any of your ancestors appear before any of these commissions and attempt to establish their rights under this 14th article of the treaty of Dancing Rabbit Creek? A I don't know nothing about it.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided 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 I don't know about that.

Q Do you know any one living - 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 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 of any kind to offer at this time?

A No, sir.

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

Ed Willis, 6.

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 one of our appointments here in Mississippi, this spring including the one at Meridian, Mississippi, April 14th to 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? A No, sir.  
Q So far as you know, none of your ancestors have ever received any benefits whatever as Choctaw Indians? A No, sir, not that I know anything about.  
Q Have you a sister by the name of Sallie Random? A Yes, sir.  
Q The names of your other brothers and sisters were called here during the hearing of your application? A Yes, sir.  
Q Are any of your father's brothers or sisters living? A No, sir.  
Q Has he any brothers or sisters dead who left children? A Not as I knows of.

(This applicant has the appearance of being possessed of a mixture of negro and Indian blood; his features and facial expressions are those of a negro, though his hair is somewhat inclined to be straight, indicating that he might be possessed of either white or 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 on the 25th day of March, 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 5th day of April, 1902.

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

by *[Signature]*

Deputy.

COPY.

Muskogee, Indian Territory, May 12, 1904

Ed Willis,

Aden, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 12, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Billy Willis et al., including you.

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

Respectfully,

Chairman.

Registered.

M.C.R. 5083

COPY.

Muskogee, Indian Territory, November 18, 1904.

Ed Willis,

Aden, Mississippi,

Dear Sir:

You are hereby notified that on the 12th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of Billy Willis et al., of which decision you were advised by registered mail on the 12th day of May, 1904.

Respectfully,

(SIGNED)

*Tame Bixby*

Chairman.



1915

No. 5083

For Identification as a Mississippi Choctaw.

State *Miss.*

Date MAR 25 1902

Name Ed Willis

Age 24 Blood 1/2

Post Office, Aden, Miss

Father: Billie Willis L

Mother: Lou " L

Claims through

For only

Children:

Miss. Rec. Card. 529.

Stenographer

R. J. Street

Choctaw MCR 5084

Tom Clemmons

See MCR 5028

MCR 5084

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

-oOo-

In the matter of the application of Tom Clemmons, et al.,  
for identification as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application of  
Tom Clemmons, et al., for identification as Mississippi  
Choctaws, M.C.R. 5084.

-oOo-

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

-oOo-

In the matter of the application of Tom Clemmons, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5084.

--: I N D E X :--

	(Page)
Original application of Tom Clemmons, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission identifying Mimie Clemmons as a Mississippi Choctaw-----	7

-oOo-

5084

*mississippi*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Seale, Mississippi, March 25, 1902.

In the matter of the application of Tom Clemmons for the identification of himself, his wife, Mimie, and five minor children, Munch, Phoebe, Eunice, Fal-a-ma-tubbee and Chuffahahnoly, as Mississippi Choctaws.

Tom Clemmons, 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 Tom Clemmons.
- Q How old are you? A About fifty.
- Q How much Choctaw blood have you? A Half.
- Q What's your post office address? A Coffadelliah, Mississippi.
- Q In what County do you live? A Kemper County.
- Q How long have you lived there, Tom? A All my life.
- Q Is your father living? A No.
- Q What was his name? A Jess. Clemmons.
- Q He was a white man, was he? A Yes.
- Q Is your mother living? A Yes.
- Q What was her name? A I don't know her name.
- Q She is the wife of Elan Bell? A Yes.
- Q Your mother has lived here in this State all her life, has she?  
A Yes.
- Q Are you married? A Yes.
- Q Is your wife living? A Yes.
- Q What's her name? A Mimie.
- Q Is she a full blood Choctaw? A Yes.
- Q Were you ever ~~was~~ married before you married her? A Yes.
- Q How many times were you married before you married Mimie? A Married twice before I married the last time.
- Q Are you living with Mimie now? A Yes.
- Q About how old is she? A About forty years old.
- Q How long have you been living with her, Tom? A Nineteen or twenty years.
- Q Has she lived here in Mississippi all her life? A Yes.
- Q Were you married to her under a license or according to the Choctaw custom? A Choctaw custom.
- Q Is your wife's father living, Tom? A No.
- Q What was his name? A Lah-cum-hon-tubbee.
- Q Do you know the name of your wife's mother? A No.
- Q Is she living? A No.
- Q Was she a full blood? A Yes.
- Q And Lah-cum-hon-tubbee was a full blood? A Yes.
- Q How many children have you living that are under age? A Five.
- Q What are their names, the oldest first? A Munch.
- Q How old is Munch? A I don't know.
- Q About how old is he? A Twelve.
- Q Next one? A Phoebe.
- Q About how old is Phoebe? A About ten.

Tom Clemmons, et al., 2.

- Q Next one? A Eight.  
Q What's her name? A Eunice.  
Q Next one? A Pa-a-ma-tubbee.  
Q How old is he? A Six.  
Q Next one? A Chuffahahnoly, three years old.  
Q Is that a boy? A Yes.  
Q Are these five children living with you at this time? A Yes.  
Q Are they all the children of yourself and Mimie Clemmons? A Yes.  
Q Have you any other children living in your family? A No.  
Q How many married children have you? A Two.  
Q Emily Mellis the wife of Madison Mellis? A Yes.  
Q How old is Emily about? A Nineteen.  
Q What was her mother's name? A Mimie.  
Q Is Mimie a full blood Choctaw? A Yes.  
Q About how old is Madison? A About twenty five.  
Q Is he a full blood Choctaw? A Yes.  
Q Is his father living? A No.  
Q What was his name? A I don't know.  
Q Wasn't it Sahman? A No.  
Q Is Madison's mother living? A No.  
Q Do you know what her name was? A No.  
Q The next daughter of yours is named Bettie? A Yes.  
Q How old is she? A Sixteen or seventeen.  
Q What's her husband's name? A Jesse Dixon.  
Q Was Bettie the child of yourself and Mimie too? A Yes.  
Q About how old a man is Jesse? A About seventeen.  
Q Have they any children? A Yes.  
Q How many? A One.  
Q How old is the child? A About five months.  
Q What's its name? A Just Choctaw name, A-chuck-ma-ha-mah  
Q Is Jesse's father living? A No.  
Q What was his name? A Bixon.  
Q Was it Bixon or Dixon? A Dixon.  
Q Was he a full blood Choctaw? A Yes.  
Q Is Jesse's mother living? A No.  
Q What was her name? A Lissie.  
Q Was she a full blood Choctaw? A Yes.  
Q Have Madison and Emily any children? A Yes, one.  
Q What's that child's name? A I don't know.  
Q How old a child is it? A Little child about two months old.  
Q Boy or girl? A Girl.  
Q Is Bettie's child a boy or girl? A Girl.  
Q Is your name, or your wife's name, or the name of any of these children, on any of the Choctaw tribal rolls in Indian Territory?  
A No, I don't know.  
Q Where does Madison live? A Here in Neshoba County, on Mr. Stuart's place.  
Q Coffadelliah would be his post office? A Yes.  
Q Where does Jesse live? A Same place.  
Q Has any application of any kind ever been made before today for you, your wife, or any of these children, for the purpose of establishing your rights as Choctaw Indians? A No.  
Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between

Tom Clemmons, 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 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 in Mississippi 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 to one-half that quantity for each unmarried child which is living withhim over ten years of age; and a quarter 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 of the treaty of Dancing Rabbit Creek 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 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 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? A I don't know.

Tom Clemmons, et al., 4.

Q Any of them ever get any land from the Government under article 14 of the treaty of Dancing Rabbit Creek? A I reckon they got land we lived on from the Government; some of my ancestors got it, but I don't know which one of their names got this land from the Government.

Q How much is there in that tract of land, Tom? A One section - mile square.

Q Did you ever see the deed or patent to that land that you are living on now? A Yes.

Q Where is that deed or patent now? A My mother has got it.

Q Do you think you could get it and bring it up here? A I don't know.

It might be of vital importance in your claim if you exhibit this deed to the Commission, in order that we might determine whether the land upon which you live was received from the Government of the United States under the provisions of the 14th article of the treaty of Dancing Rabbit Creek, and it is suggested, if possible, that you get this deed and bring it up here and let the Commission examine it and see if it is a 14th article deed or patent.

Q Can't you think of the name of your ancestors who got this land from the Government? A No.

Q Has the land been in your family ever since your birth? A Yes.

Q Do you know when it was received from the Government? A I don't know.

Q Do you know the Choctaw name of any one of your ancestors? A No.

Q Didn't you say that your mother's grand father was I-o-pon-na?

Q My mother's father's - or his father - one of them was named I-o-pon-na.

Q Is he the man who got land from the Government? A I don't know whether he is the one or not.

Q Did you ever see him? A No.

Q Died before you were born? A Yes.

Q Well, now, do you know the names of any of his children - the Choctaw names of any of them? A No.

Q Did he ever have any sons? A I don't know; my mother would know it.

Q Did he ever have any daughters? A No, just mother was all.

Q Can't you think of your mother's Choctaw name? A No.

Q About how old is your mother, Tom? A Seventy ~~five~~ or eighty years old. My mother remembers when some commissioners held a session at old Yazoo Village a long time ago.

It is very important in your case that you should bring your mother before the Commission and let her be examined by the Commission here in this matter. It may be that your case could be established, but it may be that if your mother remembers the commissioners when they were in old Yazoo Village, and the Choctaw names of your ancestors, it would, no doubt, prove very important in your case.

Q How far does your mother live from this camp? A About three miles



Tom Clemmons, et al., 5.

Q Couldn't you bring her up here this afternoon? A If she can come, I'll bring her here.

On page 544 of Volume One of the Record of the Court of Claims in the case Number 12742, entitled, "The Choctaw Nation of Indians versus the United States", under Schedule N, "Bogue Chitto claims", the same having been adjudicated by Commissioners, Tyler, Gaines and Rush, appointed under the Act of Congress approved August 23, 1842, appears the case of I-o-pon-na, it appearing that at the time the treaty was made, he lived in Section 34, Township 12, Range 13; that at that time he had three daughters over ten years of age living, namely: Al-la-tah-ho-yo, Lap-pah-te-mah, and Tah-te-mah; that the claim of I-o-pon-na and his children was allowed by said Commissioners, and their action was approved by the Secretary of War on the 23rd day of July, 1845.

It is impossible from the testimony of the applicant, who is only about fifty years old, and does not remember the Choctaw names of his ancestors, to determine with any degree of certainty whether he is, in fact, a descendant of said I-o-pon-na, whose claim was adjudicated by the commissioners appointed under the Act of Congress approved August 23, 1842.

- Q Have you any brothers living Tom? A No brothers at all.  
Q Never had any brothers? A No.  
Q Did you ever have any sisters? A No.  
Q You are your mother's only child? A Yes.  
Q Has your wife any brothers living? A No.  
Q Has she any sisters living? A No.  
Q Has she any brothers or sisters dead who left children?  
A Yes, one sister dead who left a son.  
Q What was that sister's name? A I don't know.  
Q What's the name of her son? A Ikeness Wallace; he is about forty years old and lives about five miles from here; he is over here at Sweeney's.  
Q Is he married Tom? A Yes, but he is a widower.  
Q Has he any children living? A Two.  
Q What are their names? A I don't know.  
Q Does he live in Kemper or Neshoba County? A Kemper.  
Q Which way from here? A Just the other side of me.  
Q On whose place does he live? A Jim Mardis.  
Q That's all the living children of any of your wife's brothers or sisters? A Yes.

(This applicant has the appearance of being possessed of as much Indian blood as is claimed by him; he speaks and understands the Choctaw language and also some English, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter.)

Tom Clemmons, 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 at Seale, Mississippi, on the 25th day of March, 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 Toles, Mississippi, this 7th day of April, 1902.

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

By *J. M. H.*

Deputy.

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

-oOo-

In the matter of the application of Tom Clemmons, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5084.

---: 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 March 25, 1902, by Tom Clemmons for himself, his wife, Mimie Clemmons, and his five minor children, Munch, Phoebe, Eunice, Fal-a-ma-tubbee and Chuffahtahnoly Clemmons, 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 Mimie Clemmons is a full-blood Mississippi Choctaw Indian. All the other applicants are mixed-blood Choctaws, and as

(2)

such do not come within the purview of section forty-one of the act of Congress approved July 1, 1902 (32 Stats., 641). Whatever rights as Mississippi Choctaws they may possess by reason of being mixed-blood Choctaws will be determined at a later date.

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

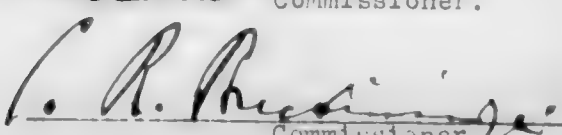
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full-blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

  
Commissioner.

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

ALLISON L. AYLESWORTH,  
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

**K.C.R. 5004.**

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES **Madagascar, Indian Territory, September 10, 1905.**

**L. Van V. Smith,**  
Special Agent of the Government,  
Meridian, Mississippi.

Dear Sir:

There is enclosed you herewith one copy of the testimony in the matter of the application of Tom Glemons, of Coffadellish, Mississippi, for the identification of himself, his wife, Nimie, and five minor children as Mississippi Choctaws.

The principal applicant in this case is unable to give any information as to the mother of his wife; and you are directed, if possible, to secure from Tom Glemons or some other person or persons who have knowledge of this applicant, an affidavit, deposition or such other testimony as is procurable relative to said ancestor. It is also desired that further testimony be taken relative to the ancestors of the principal applicant and the ancestors of his two former wives.

If you are able to secure this evidence, please return the same, together with the record in the case, at the earliest practicable date, in order that a decision may be prepared.

Respectfully,

Enc.: K.C.R. 5004.

Chairman.

Meridian, Mississippi, September 26, 1903.

Tom Clemmons,

Goffadeliah, Mississippi.

Dear Sir-

It appears from the records of the Commission that on March 25, 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.

Very respectfully,

File No. 37  
M C R 5084

Special Agent.

Meridian, Mississippi, November 23, 1903.

Tom Clemmons,

Coffadelliah, Mississippi.

Dear Sir-

Under date of September 25, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 25, 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 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,

M.C.R. 5084

COPY:

Muskogee, Indian Territory, May 5, 1904.

Tom Clemmons,  
Coffadelliah, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 5th, 1904, identifying your wife, Mimie Clemmons, as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, the person so identified, in order to avail herself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5th, 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,  
(SIGNED)

*E. B. [Signature]*

Commissioner in Charge.

Registered.

Enc. MCR 5084.



M.C.R. 5084  
COPY.

Muskogee, Indian Territory, May 5, 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 5, 1904, identifying Minnie Clemmons as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Minnie Clemmons 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, her name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,  
(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.  
Enc. MCR 5084.

COPY:

M. C. R. 5084

Muskogee, Indian Territory, September 16, 1904.

Tom Clemmons,

Coffadellah, 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 Mississippi Choctaws of yourself, and your five minor children, Munch Clemmons, Phoebe Clemmons, Eunice Clemmons, Fa-a-ma-tubbee Clemmons and Chuf-fah-tah-noly Clemmons.

You are further notified that applicants 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,  
SIGNER

*James Bixby.*

Registered.

Chairman.

W. O. S.

COMMISSIONERS:  
JAMES HENRY,  
THOMAS B. NEEDLES,  
C. E. BRIDGEMAN,  
WM. O. SMALL,  
Secretary.

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

NOTE IN REPLY TO THE FOLLOWING:  
M.C.R. 508A

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

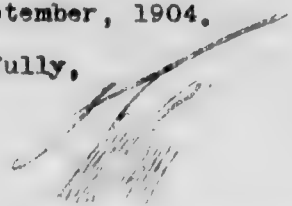
Muskogee, Indian Territory, March 9, 1905.

Tom Clemmons,  
Coffadelliah, Mississippi,

Dear Sir:

You are hereby notified that on the 13th day of January, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification of yourself, and your five minor children, Munch Clemmons, Phoebe Clemmons, Eunice Clemmons, Fa-a-ma-tubbee Clemmons and Chuf-fah-tah-noly Clemmons, as Mississippi Choctaws, included in the consolidated case of Elan Bell et al., of which decision you were advised by registered mail on the 16th day of September, 1904.

Respectfully,



Chairman.

For Identification as a Mississippi Choctaw.

Seale, Miss. Date

MAR 25 1902

Name Tom Clemmons

Age 50 Blood 1/2

Post Office, Coffadeliak, Miss.

Father: Jas Clemmons d

Mother: dont know L

Claims through mother

wife Minnie Clemmons. (full) 40 d

father Lah-cum - Montubbee - d

mother - dont know - d

For 5 years

Children:

Munch Clemmons (M) 12

Phoebe " (F) 10

Eunice " (F) 8

Fal-a-ma-tubbee " (M) 6

Chuffahavoly " (M) 3

Stenographer

R. J. Street

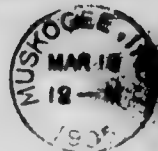
**FILED**  
JUN 23 1905  
COMMISSION TO FIVE TRIBES.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



*Mr. ...*

*Returned to ...*

Tom Clermons,

Coffadeliach, Mississippi.

7805

**FILED**  
JUN 30 1905  
COMMISSIONER OF FIVE TRIBES.

To: 2001 N.W.  
1905

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

135-92  
-----  
10851

REGISTERED  
SEP 20 1904  
MUSKOGEE, IND. TER.



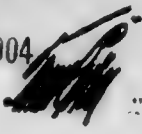
Tom Clemmons,

Coffadelliah, Mississippi.



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

SEP 26 1904

A large, dark, handwritten signature or scribble, possibly in ink, overlapping the date stamp.

CHIEF OF BUREAU

Department of the Interior.

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



*Unclaimed*

*Returned to writer*

Tom Clemmons,

Coffadelliah, Mississippi.

MUSKOGEE, IND. TER.  
MAY 7 1904  
REGISTERED

SEP 10 1904

Choctaw MCR 5085

Smith Bell

See MCR 5028

MCR 5085

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

-oOo-

In the matter of the application of Smith Bell, et al., for  
identification as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application of  
Smith Bell, et al., for identification as Mississippi  
Choctaws, M.C.R. 5085.

-oOo-

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

-oOo-

In the matter of the application of Smith Bell, et al., for  
identification as Mississippi Choctaws, M.C.R. 5085.

---: I N D E X :--

	(Page)
Original application of Smith Bell, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission identifying O-mi-chee Bell as a Mississippi Choctaw-----	8

-oOo-

5085  
*Ident wife*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Seale, Mississippi, March 25, 1902.

In the matter of the application of Smith Bell for the identification of himself, his wife, O-mi-chee, and two minor children, Buddy and Pauline, as Mississippi Choctaws.

Smith Bell, having been first duly sworn, upon his oath states as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Smith Bell.  
Q How old are you Smith? A About forty eight.  
Q How much Choctaw blood have you, Smith? A Seven eighths.  
Q Post office address? A Coffadelliah, Mississippi.  
Q In what county do you live? A Kemper.  
Q How long have you lived in Kemper County? A All my life.  
Q Is your father living? A No.  
Q What was his name? A Charley Bell.  
Q Did he have a Choctaw name? A No, I don't know any Choctaw name.  
Q How much Choctaw blood did your father, Charley Bell, have? A He was a full brother to Klan Bell, and you know about how much Choctaw blood Elan has.  
Q Your father was a three quarters blood? A Yes.  
Q Did he live in this State all his life too? A Yes.  
Q Do you know the name of Charley's father? A Ish-tam-boo.  
Q Ish-tam-boo is dead? A Yes.  
Q How long has he been dead? A I don't know.  
Q Never saw him? A No.  
Q How old would your father be if he was living, Smith? A I heard he was three years older than Klan.  
Q Klan said, I think, he was sixty eight or sixty nine? A Yes.  
Q Now, do you know the name of Charley's mother? A No.  
Q Is your mother living? A No.  
Q What was her name? A I don't know.  
Q Never heard it? A No.  
Q How long has your mother been dead? A Since I was little boy.  
Q Do you know the name of her father or her mother? A Ho-pah-ka-tubbee.  
Q Do you know your mother's mother's name? A No.  
Q Did you ever see Ho-pah-ka-tubbee? A Yes.  
Q When did he die? A Been dead about twenty years.  
Q About how old a man was he when he died? A He was about ninety years old.  
Q Did he live in this State all his life? A Yes.  
Q Now, Ish-tam-boo's father, was a white man, wasn't he? A I think so.  
Q And his mother a full blood Choctaw? A I think so.  
Q Do you know the name of either one of them? A I don't know.  
Q So far as you know have all of your ancestors always lived here in Mississippi? A I think so.  
Q Are you married? A Yes.  
Q Wife living? A Yes.  
Q You living with her now? A Yes.
- 1

Smith Bell, et al., 2.

- Q What's her name? A O-mi-chee.
- Q About how old is she, Smith? A About same age.
- Q How long have you been living with her? A About twenty five years.
- Q Is she a full blood Choctaw? A Yes.
- Q Has she lived here in Mississippi all her life? A Yes.
- Q Were you ever married before you married her? A No.
- Q Was she ever married before she married you? A No.
- Q Is her father living? A No, dead.
- Q What was his name? A Ah-be-to-nubbee.
- Q How long has he been dead, Smith? A About twelve years.
- Q How old a man was he when he died? A About sixty.
- 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 Is your wife's mother living? A No.
- Q What was her name? A I don't know.
- Q Didn't you ever hear it? A No.
- Q Was she a full blood Choctaw? A Yes.
- Q Do you know the name of her father or her mother? A Don't know them.
- Q So far as you know, have all of your wife's ancestors been full blood Indians? A Yes.
- Q Have they always lived here in Mississippi? A Yes.
- Q How many children have you liveing? Who are under age? A Two.
- Q What are their names? A Buddy and Pauline.
- Q Are they both the children of yourself and wife, O-mi-chee? A Yes
- Q Are they both living with you at this time? A Yes.
- Q About how old is Buddy? A About fourteen.
- Q How old is Pauline? A About twelve.
- Q Have you any other children living in your family? A No.
- Q Any old folks living with you? A No.
- Q This application, then, is for yourself, your wife, and two children? A Yes.
- Q Is your name, or your wife's name, or the name of any one of these children, 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 you, your wife, or any of these children, for the purpose of establishing your rights as Choctaw Indians? A No.
- Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A I have heard it, but I don't understand it.

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 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, 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 preferred to

Smith Bell, et al., 3.

stay here in Mississippi and not move out 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 of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which may be living ~~his~~ with him over ten years of age; and a quarter 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.
- 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 Well, I suppose so; Tom Clemmon's ancestors and my ancestors were the same.
- Q What's the name of your common ancestor? A I don't know.
- Q What relation are you to Tom Clemmons? A My mother and his mother were cousins; I reckon we are second cousins.
- Q Were they related through their mothers? A Yes.
- Q They are daughters of sisters? A Yes.
- Q What is the name of the father of those two sisters? A My mother's father was Ho-pah-ka-tubbee.
- Q From your testimony, we understand that your mother's mother and Tom Clemmons' mother's mother were sisters; is that right? A Yes.
- Q What was their father's name? A I don't know.
- Q What was their mother's name? A I don't know.
- Q Did any of your ancestors, or any of your wife's ancestors, live here in the old Choctaw Nation, in Mississippi, in 1830, when this treaty was made? 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 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 Did any of them ever get any land from the Government under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Are you a descendant of I-o-pon-na? A Yes, I think so.
- Q What kin are you to him? A He was my great grand father.



Smith Bell, et al., 4.

- Q On your mother's side, or your father's side? A Mother's.  
Q Was he the father of your mother's mother? Or your mother's father?  
A My mother's father.  
Q Do you know the name of any of his children? A I don't know.  
Q Did he get land here in Mississippi from the Government? A I don't know.

By Commission:

Special reference is hereby made to the testimony of Tom Clemmons and others here on this date as to the claim of I-o-pen-na, adjudicated by Commissioners appointed under the Act of Congress approved August 23, 1842.

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 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 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, 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 No, my grand father said he never did go before the Commissions that he heard.

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 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.

Smith Bell, 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 If they did, I never heard of it.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors, or any of your wife's ancestors, covering land here in Mississippi received from the Government of the United States?

A The only one I saw was the one that Tom Clemmons told about that his mother got.

Q Do you know the name of Tom Clemmons' mother? A No.

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 the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A Don't know of any one.

Q Have you any written evidence of any kind to offer at this time?

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 by the Commission, they may appear before us at any one of our appointments here in Mississippi this spring, including the one at Meridian, Mississippi, April 14th to 30th next, 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.

On page 316 of Volume one of the Record of the Court of Claims in the case Number 12742, entitled, "The Choctaw Nation of Indians versus the United States", appears a list of ninety nine cases fully adjudicated by the Commissioners appointed under the Act of Congress approved August March 3, 1837, duly approved and confirmed by President John Tyler, on the 25th day of March, 1843. In said list appears case 40, Ish-tam-bee, it appearing that at the time the treaty was made, he had in his family five children under ten years of age, and that he was living on the north west quarter of Section 10, Township 12, Range 12.

It is impossible to determine definitely from the testimony of the applicant whether this Ish-tam-bee is his father, whose name the applicant gives as Ish-tam-bee.

On page 689 of Volume One of the Record of the Court of Claims appears the case of Ho-pah-ka-tubbee, Number 259, it appearing that at the time the treaty was made, this Ho-pah-ka-tubbee had no children living; that he lived on Section Six, Township 11, Range 14, it appearing that the claim of Ho-pah-ka-tubbee was allowed by Commissioners Tyler, Gaines and Rush, appointed under the Act of Congress approved August 23, 1842.

Smith Bell, et al., 6.

The applicant gives the name of his mother's father as Ho-pah-ka-tubbee, but it is impossible from his testimony to determine definitely whether the Ho-pah-ka-tubbee, whose case is adjudicated by said commissioners, was the father of this applicant's mother.

- Q How many children have you living who are of age or married?  
A Two, Callie Thompson, the wife of Simmon Thompson, and Emma Vaughn, the wife of Green Vaughn.
- Q Have you any brothers living? A No.
- Q Any brothers dead who left children? A There were children living, but all died.
- Q Have you any sisters living? A No.
- Q Have you any sisters dead who left children? A No.
- Q Are any of your wife's brothers living? A No.
- Q Has your wife any brothers dead who left children? A No.
- Q Has your wife any sisters living? A No.
- Q Are any of her sisters dead who left children? A No, they are all dead.
- Q Are any of your father's brothers living, except Elan Bell? A No.
- Q Has your father any brothers dead who left children? A No.
- Q Has your father any sisters living? A No.
- Q Did he ever have any sisters? A I don't know.
- Q Has your mother any brothers living? A They are all dead.
- Q Did any of them leave children? A Yes, my mother's brother has one son living.
- Q What's his name? A Billy Vaughn.
- Q Where does he live? A Right close to John Vaughn, near Toles, Kemper County.
- Q Are any of your mother's sisters living? A No.
- Q Are any of your mother's sisters dead who left children? A No.
- Q Are any of your wife's father's brothers or sisters or any of their children living? A My wife's father's brother's children living, one of them is Mimie Clemmons, wife of Tom Clemmons.
- Q Any more of them living? A That's all.
- 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 possessed of fully as much Indian blood as is claimed by him; he speaks and understands the Choctaw language, and some English, the examination having been conducted partially in English, and partially through a sworn Choctaw interpreter.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Seale, Mississippi, on the 25th day of March, 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*

Smith Bell, et al., 7.

Subscribed and sworn to before me at Teles, Mississippi, this  
7th day of April, 1902.

*L. P. Massey*  
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 of Smith Bell, et al., for identification as Mississippi Choctaws, M.C.R. 5085.

---: 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 March 25, 1902, by Smith Bell for himself, his wife, O-mi-chee Bell, and his two minor children, Buddy and Pauline Bell, 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 O-mi-chee Bell is a full-blood Mississippi Choctaw Indian.. All the other applicants are mixed-blood Choctaws and as such do not come within the purview of Section forty-one of the act

(2)

of Congress approved July 1, 1902 (32 Stats., 641). Whatever rights as Mississippi Choctaws they may possess by reason of being mixed-blood Choctaws will be determined at a later date.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), 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 O-michee Bell should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

MAY -5 1904

Commissioner.

M.C.R. 5085

Muskogee, Indian Territory, May 5, 1904.

Smith Bell,  
Coffadelliah, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 5th, 1904, identifying your wife, O-mi-choe Bell, as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, the person so identified, 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 5th, 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,

(SIGNED)

*L. B. Needles.*

Commissioner in Charge.

Registered.

Enc. MCR 5085.

M.C.R. 5085  
COPY.

Muskogee, Indian Territory, May 5, 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 5, 1904, identifying O-mi-chee Bell as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said O-mi-chee Bell 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, her name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,  
(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

Enc. MCR 5085.



M.C.R. 6065

COPY!

Muskogee, Indian Territory, September 16, 1904.

Smith Bell,

Coffadellah, 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 Mississippi Choctaws of yourself, and two minor children, Buddy and Pauline Bell.

You are further notified that applicants 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)

*Tame Bixby.*

Chairman.

Registered.

M. C. R. 5085

COPY.

Muskogee, Indian Territory, March 9, 1905.

Smith Bell,

Coffadellah, Mississippi.

Dear Sir:

You are hereby notified that on the 13th day of January, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of yourself and two minor children, Buddy and Pauline Bell, included in the consolidated case of Elan Bell et al., of which decision you were advised by registered mail on the 16th day of September, 1904.

Respectfully,

(SIGNED).

Tamm

Chairman.

*W. O. B.*

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

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5085.

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 3, 1903.

H. Van V. Smith,  
Special Agent of the Government,  
Meridian, Mississippi.

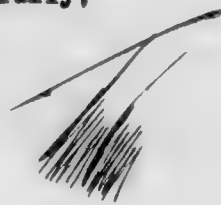
Dear Sir:

There is enclosed you herewith one copy of the testimony in the matter of the application of Smith Bell of Goffadeliah, Mississippi, for the identification of himself, his wife, and two minor children, as Mississippi Choctaws.

The principal applicant in this case is unable to give any information relative to his wife's parents; and you are directed, if possible, to secure from Smith Bell, or from some other person or persons who have knowledge of said applicant, an affidavit, deposition or such other testimony as is procurable, relative to the parents of the wife of the principal applicant in this case.

If you are able to procure this evidence, please return the same, together with the record in the case at the earliest practicable date, in order that a decision may be prepared.

Respectfully,



Chairman.

Enc.: M. C. R. 5085.

Meridian, Mississippi, September 24, 1903.

Smith Bell,

Coffadelliah, Mississippi.

Dear Sir-

It appears from the records of the Commission that on March 25, 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.

Very respectfully,

File No. 15  
M C R 5085

Special Agent.

Meridian, Mississippi, November 17, 1903.

Smith Bell,

Coffadellah, Mississippi.

Dear Sir-

Under date of September 24, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 25, 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 support of 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 15

Special Agent.

1417

No. 5085

For Identification as a Mississippi Choctaw.

Seale, Miss. Date

MAR 25 1902

Name Smith Bell

Age 48 Blood ~~1/2~~ 7/8

Post Office, Coffadeliak, Miss.

Father: Charley Bell 3/4 d

Mother: dont know d

Claims through  
 wife O-1171-chee Bell (full) 48 d  
 Father Ah-be-to-nubbee d  
 Mother dont know d

Children:

Buddy Bell 14  
 Pulline " 12  
 For self, wife and 2 children

Father's father Ho-nah-ka-tubbee d  
 Mother " " d

Stenographer

R Street

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

**FILED**

SEP 26 1904



CHAIRMAN.

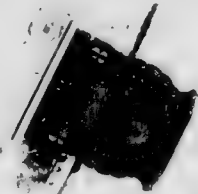
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



12153



*Unclaimed*

*Returned to writer*

Smith Bell,

Coffadelliah, Mississippi.

MUSKOGEE, IND. TER.  
MAY 7 1904  
REGISTERED

SEP 10 1904



Choctaw MCR 5086

Teach Jacob

See MCR 5028

MCR 5086

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

---

Herein is the record in the matter of the application of  
Teach Jacob, et al., for identification as Mississippi Choctaws,  
M.C.R. 5086.

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

-----

In the matter of the application of Teach Jacob, et al.,  
for identification as Mississippi Choctaws, M.C.R.5086.

I N D E X .

	page
Original application of Teach Jacob, et al., for identification as Mississippi Choctaws,.....	1
Decision of the Commission identify- ing Teach Jacob as a Mississippi Choctaw,.....	7

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Seale, Mississippi, March 25th, 1902.

In the matter of the application of Teach Jacob for the identification of himself, his wife Mary and four minor children, Buford, Thomas, Eamon and Willis, as Mississippi Choctaws.

Said Teach Jacob, being first duly sworn, testified as follows:  
(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Teach Jacob.
- Q How old are you? A About fifty-five I reckon.
- Q How much Choctaw blood have you? A Full blood.
- Q What's your postoffice address? A Coffadelliah.
- Q In what County do you live? A Kemper.
- Q How long have you lived in Kemper County? A All mu life.
- Q Is your father living? A Died when I was little boy.
- Q What was your father's name? A Jacob.
- Q Did he have a Choctaw name too? A He-mah-ka-yah.
- Q How old a man was your father when he died? A About fifty-five when he died.
- Q Did he live in this State all his life? A Yes.
- Q Was he a full blood? A Yes.
- Q Do you know the name of his father or his mother? A I don't know none of my grandparents.
- Q Is your mother living? A Dued long time ago.
- Q What was her name? A Julia-that's all I ever heard.
- Q Didn't you ever hear of her Choctaw name? A Never did.
- Q Was she a full blood Choctaw? A Yes.
- Q She lived all her life in Mississippi, did she? A Yes.
- Q Was she older or younger than your father? A About the same age.
- Q Have you given us the names of all of your ancestors whose names you know? A Yes.
- Q Have all of your ancestors always lived here in Mississippi so far as you know? A Yes.
- Q Are you married? A Yes.
- Q Is your wife living? A Yes.
- Q What's her name? A Mary.
- Q Are you living with her now? A Yes.
- Q Is she a full blood too? A Yes.
- Q About how old is she? A About forty.
- Q Has she lived here in Mississippi all her life? A Yes.
- Q Is her father living? A Yes.
- Q What's his name? A Elan Bell.
- Q Is your wife's mother living? A Dead.
- Q What was her name? A Bissie.
- Q Did Bissie have a Choctaw name? A That's all.
- Q Was she a full blood Choctaw? A Yes.
- Q Did she live in Mississippi all her life? A Yes.
- Q Do you know the name of her father or her mother? A I don't know.
- Q Elan Bell is a three-quarter blood Choctaw, isn't he? A I don't know--I reckon so.

Teach Jacob et al--2

- Q That would make your wife, then, seven-eighths Choctaw, wouldn't it? A I reckon so.
- Q So far as you know have all of your wife's ancestors always lived here in Mississippi? A Yes.
- Q How many children have you living who are under age and unmarried? A Four living--I aint got none of age or married.
- Q What are the names of your children and their ages, the oldest first? A Buford.
- Q How old is Buford? A Seventeen.
- Q What's the next one? A Thomas.
- Q How old is he? A Eleven.
- Q What's the next one? A Emmon.
- Q How old? A Seven.
- Q Boy? A Yes.
- Q Next one? A Willis.
- Q How old is Willis? A Three and a half.
- Q These are all boys, aren't they? A Yes.
- Q Do they all live with you now? A Yes.
- Q Are they all the children of yourself and Mary? A Yes.
- Q You have never been married but once? A Yes.
- Q And Mary has only been married once? A Yes.
- Q How long have you been living together? A About thirty years.
- Q Married under a license or according to Choctaw custom? A Choctaw custom.
- Q Are there any other children living in your family besides these four? A No.
- Q Any old folks living with you? A No.
- Q Your family, then, consists of yourself, wife and these four children, is that right? A Yes.
- Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A No.
- Q Is your name, your wife's name or the name of anyone of these children on any of the Choctaw Tribal rolls in Indian Territory? A No.
- Q Has any application of any description ever been made for you or your wife or any of these children for the purpose of establishing your rights as Choctaw Indians? A No.

The Treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time the treaty was made the Choctaws lived here in Mississippi and 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 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 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 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.

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 If they did I never heard.

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 Bound to live somewhere but I don't know where they lived.

Q So you think they lived here in Mississippi somewhere, do you? A Yes.

Q Who of them do you think were living here 71 years ago? A I suppose my father and mother was living here somewhere but I don't know where they were living.

Q Did any of your ancestors or any of your wife's 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 Yes--I heard that my mother's sisters, three of them, went out there but I don't know what their name is.

Q When did they go out there? A I don't know when they go out there but I heard that they went out there when they first moved.

Q Is that all of your people that you ever heard of having gone out there? A Yes.

Q Did you ever hear of any of your wife's people ever having gone out there? A No.

Q Did any of your ancestors or any of your wife's 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.

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 Yes, that's some of the land we are living on--some of my wife's ancestors got it but I don't know which of her ancestors got it.

Q You don't know under what article of the treaty they got that land, do you? A No.

Teach Jacob et al--4

Q Who would know about that, do you think? A I spects Elan Bell's wife might know about it.

Q She only lives about three miles from the camp, don't she? A Yes.

Q Don't you think you could get her to come here to camp and tell about it? A I don't know whether I could get her over here or not.

It would be well for you to see her and try to get her to come up here and tell the Commission what she knows about getting this land, because it might prove to be very important to you and your wife and children, in your case.

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 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 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 No, if they did --I don't know about my people--I reckon my wife's folks, because we are living on some of that land.

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 ~~in~~ 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.

Teach Jacob 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? A I reckon my wife's ancestors got scrip but I don't know which one of them.
- Q Did you ever hear that some of your wife's ancestors got scrip from the Government? A Yes, but I don't know which one got it.
- Q Do you when when the scrip was gotten from the Government? A I don't know.
- Q Do you know whatever became of it? A No, I just heard they got it but I never seen it and I don't know what became of it.
- Q What relation to your wife was her ancestor who got this scrip from the Government? A I don't know which one.
- Q How did you hear about it? A I just heard my wife's folks talking about it.
- Q Who do you think would know for certain about this? A Elan and his wife--if they don't know it I don't know of anyone who would.
- Q Do you know of any old person living who would likely know whether any of your people or your wife's people ever complied with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under it? A No, 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 I don't know.
- Q Have you any written evidence of any kind to offer at this time? A No.
- Q Have you 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 at any one of our appointments here in Mississippi this Spring, including the one at Meridian between April 14th and 30th next, or within a reasonable time at the general office of the Commission 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.
- Q Have you any brothers living? A No, all dead.
- Q Did any of your brothers who are dead leave any children? A Just one child by one of my brothers.
- Q What was the name of that brother? A Dixon.
- Q What's the name of his child who is living? A Jess Dixon--he's married to Bettie Clemmons, the daughter of Tom Clemmons, who appeared before the Commission today.
- Q Have you any sisters living? A No.
- Q Did any of your sisters leave children? A One sister left two children who are living now, and another one of my sisters left a daughter who is living.
- Q What was the name of your sister who left two sons? A Mary Jane.
- Q Is the father of these two boys living? A No.
- Q What was his name? A Jim Noah.
- Q Was he a full blood Choctaw? A Yes.
- Q Did he live here in Mississippi all his life? A Yes.
- Q Did he have a Choctaw name? A That's all.



Teach Jacob et al--6

- Q Do you know the names of his father and mother? A His father's name was Noah.
- Q Did he have a Choctaw name? A Just Noah.
- Q What are the names of these two sons of your sister who are living? A Tom Noah and Clem Noah.
- Q Where do they live? A Close to me.
- Q What's the name of the daughter of one of your sisters, who is living? A Mandy Bell, the wife of Office Bell.
- Q What was your sister's name, the mother of this girl Mandy? A Becky. Mandy has a sister living by the name of Willie Ann-she lives with Dibbin Marris.
- Q How old is this sister Willie Ann? A About eighteen or twenty.
- Q Is she married? A Husband is dead.
- Q What was her father's name? A John Cherokee.
- Q Is he a full blood Choctaw? A Yes.
- Q What was the name of the husband of this girl Willie Ann? A Charlie Cotton, he's done dead.
- Q Has Willie Ann any children? A One, Ray.
- Q Are any of your father's brothers or sisters living? A No.
- Q Are any of the children or grandchildren of any of your father's brothers or sisters living? A No.
- Q Are any of your mother's brothers or sisters living? A No.
- Q Are any of their children or grandchildren 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 chiefly 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 Seale, Mississippi, March 25th, 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 3rd day of April, 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.

-oOo-

In the matter of the application of Teach Jacob, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5086.

---: 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 March 25, 1902, by Teach Jacob for himself, his wife, Mary Jacob, and his four minor children, Buford, Thomas, Emmon and Willie Jacob, 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 principal applicant is a full-blood Mississippi Choctaw Indian. All the other applicants herein are mixed-blood Choctaws and whatever rights as Mississippi Choctaws they may possess by reason thereof will be determined at a later date.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902,

(32 Stat., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Teach Jacob 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,

MAR 12 1904

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

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5086

ALLISON L. AYLESWORTH  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 16, 1904.

Teach Jacob,

Coffadelliah, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, identifying you 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 September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

*C. R. Breckinridge*

Commissioner in Charge.

Registered.

Enc. MCR 5086.

COPY.

Muskogee, Indian Territory, September 16, 1904.

Teach Jacob,

Coffadelliah, 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 Mississippi Choctaws of your wife, Mary Jacob, and your four minor children, Buford, Thomas, Emson and Willis Jacob.

You are further notified that applicants 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)

*Tams Bixby.*

Chairman.

Registered.

*W. O. B.*

COMMISSIONERS:  
TAMM BENTY,  
THOMAS B. WEDGLES,  
C. E. BRACKENRIDGE,  
—  
WM. O. HALL,  
Secretary.

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

NOTE IN REPLY TO THE FOLLOWING
M.C.R. 5086

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

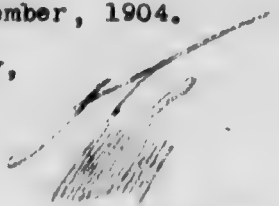
Muskogee, Indian Territory, March 9, 1905.

Teach Jacob,  
Coffadelliah, Mississippi.

Dear Sir:

You are hereby notified that on the 13th day of January, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification of your wife, Mary Jacobs, and your four minor children, Buford, Thomas, Emmon and Willis Jacob, as Mississippi Choctaws, included in the consolidated case of Elan Bell et al., of which decision you were advised by registered mail on the 16th day of September, 1904.

Respectfully,



Chairman.

9918

No. 5086

# For Identification as a Mississippi Choctaw.

Seale Miss. Date

MAR 25 1902

Name Teach Jacob

Age 55 Blood free

Post Office, Cofadeliak, Miss.

Father: Jacob He-mah-ka-yah d

Mother: Julia d

Claims through  
 wife = Mary Jacob 7/8 (3/4) 40  
 Father Elam Bell (3/4) L  
 mother Bessie "

For self, wife and 4 children

Children:

Ruford Jacob 17

Thomas " 11

Emmon " 7

Willis " 3

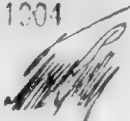
Stenographer

J. S. Niles

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

**FILED**

MAY 2 1904

A handwritten signature in dark ink, appearing to be 'J. R. ...', written over the typed name 'CHAIRMAN'.

CHAIRMAN



10828  
11469

*Unclassified*  
*Returned to Writer*



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Teach Jacob,  
Coffadeliak, Mississippi.

RECEIVED  
APR 21 1907  
MUSKOGEE, IND. TER.

APR 29 1907

**FILED**  
JUN -3 1905  
COMMISSION TO FIVE TRIBES.

RECORDED  
SERIALIZED  
JUN 3 1905  
U.S. DEPT. OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



2805

Teach Jacob,

Coffadeliah, Mississippi.

3/13/1905

**FILED**

**JUN 30 1905**

**COMMISSION TO FIVE TRIBES.**

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCHEE, IND. TER.

135-94  
-----  
10851

REGISTERED  
SEP 11 1904  
MUSKOCHEE, IND. TER.



Teach Jacob,

Coffadeliah, Mississippi.

Revised

Choctaw MCR 5087

Tom Noah

MCR 5087

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

---o---

In the matter of the application of Tom Noah, et al.,  
for identification as Mississippi Choctaws.

--o--

Herein is the record in the matter of the application of  
Tom Noah, et al., for identification as Mississippi Choc-  
taws, M.C.R. 5087.

--o--

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

----o----

In the matter of the application of Tom Noah, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5087.

--: I N D E X :--

	(Page)
Original application of Tom Noah, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission identifying the ap- plicants herein as Mississippi Choctaws-----	4

----o----



5887

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Seale, Mississippi, March 25th, 1902.

In the matter of the application of Tom Noah for the identification of himself and two minor children, Thompson and Leona, as Mississippi Choctaws.

Said Tom Noah, being first duly sworn, testified as follows:  
(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Tom Noah.  
Q How old are you? A Thirty-one.  
✓ Q How much Choctaw blood have you? A Full blood.  
Q What's your postoffice address? A Coffadelliah.  
Q Do you live in Kemper County? A Yes.  
Q Have you lived there all your life? A Yes.  
Q Is your father living? A Dead.  
✓ Q What was his name? A Jim Noah.  
✓ Q Did he have a Choctaw name? A Pis-a-ham-bee.  
Q How long has your father been dead? A About eighteen years.  
Q About how old was he when he died? A About thirty I believe.  
Q Did he live in Mississippi all his life? A yes.  
Q Do you know the name of his father or his mother? A I don't know.  
Q Is your mother living? A Dead.  
✓ Q Was she a full blood Choctaw? A Yes.  
✓ Q What was her name? A Mary Jane.  
Q Was she a full sister to Teach Jacob who has just appeared before the Commission? A Yes.  
Q Are you sure that your father wasn't over thirty years of age when he was killed eighteen years ago? A Yes, I am sure he wasn't over thirty years old then.  
✓ Q Your mother was a full blood too? A Yes.  
Q Are you married? A No.  
Q Have you ever been married? A I was married once but we separated.  
Q How long have you been separated? A About six years.  
Q Is your wife living now? A Yes.  
Q Is she married again? A Yes.  
Q Who is she married to? A Cornelius Bell.  
✓ Q What's her name? A Sallie.  
Q Has Sallie any children by you? A Two.  
Q What are their names? A Thompson.  
Q Next one? A Leona.  
Q About how old is Thompson? A Eleven Years old.  
Q How old is Leona? A Eight.  
✓ Q Is Sallie a full blood? A yes.  
Q Do these children live with Sallie or with you? A Live with me.  
Q You support and maintain these children yourself? A Yes.  
Q Is that all the children you have living with you? A Yes.  
Q Have you any old folks living with you? A No, no old folks living with me, but my brother Clem and his wife live with me.  
Q About how old is Clem? A About twenty-two.  
Q What's his wife's name? A Fannie.

Tom Noah et al--2

- Q About how old is Fannie? A She's about twenty, I reckon.
- Q Is she a full blood? A Yes.
- Q Has he any children? A No.
- Q Is your name or the name of either 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 for you or wither of these children for the purpose of establishing your rights as Choctaw Indians? A No.
- Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes.
- Q You heard the entire examination of Teach Jacob and heard this 14th article explained to him, did you not? A Yes.
- Q Did any of your ancestors or any of your wife Sallie's ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No, If they did I don't know 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 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 No, I never heard of any of them.
- 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 Never heard if they did.
- 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 I don't know.
- Q Did any of them appear before any of the Commissioners appointed under the acts 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 No, If they did I don't know.
- 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 Never heard if they did.
- Q Do you know of any old person living who would likely know whether any of your ancestors or any of the ancestors of Sallie 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 of any kind 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 at this time? 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 of our appointments here in Mississippi

Tom Noah et al--3

this Spring, including the one 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? A No.  
Q How many brothers have you living? A Just one.  
Q Have you any brothers dead who left children? A No, none of them left children.  
Q Have you any sisters living? A No.  
Q Have you any sisters dead who left children? A No.  
Q Has Sallie any brothers living? A Yes.  
Q How many? A Two.  
Q What are their names? A Lewis Wallace.  
Q What's the other one's name? A Comby Wallace.  
Q Has Sallie any sisters living? A One living.  
Q What's her name? A Rachel.  
Q Is she married? A Yes.  
Q What's her husband's name? A Mose Willis.  
Q He has been before the Commission, hasn't he? A Yes.  
Q Are any of your father's brothers or sisters or any of their children living? A One of my father's sisters child is living.  
Q What's the name of that child? A Eliza, she's married.  
Q What's her husband's name? A Seal Frazier.  
Q What's the name of her mother? A Jennie.  
Q What was the name of Eliza's father? A Charlie.  
Q Charlie what? A ~~xxxxxx~~ I don't know what other name.  
Q Are any of your mother's brothers or sisters or any of their children living? A yes, one of my mother's brothers is living.  
Q What's his name? A Teach Jacob.

This applicant has the appearance of being a full blood Indian--speaks and understands the Choctaw language and 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 Seale, Mississippi, March 25th, 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 4th day of April, 1902,  
at Seale, Mississippi.

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

By *[Signature]*

Deputy.

*Cow*

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

---o---

In the matter of the application of Tom Noah, et al., for identification as Mississippi Choctaws, M.C.R. 5087.

---: 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 March 25, 1902, by Tom Noah for himself and his two minor children, Thompson and Leona Noah, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.


Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw

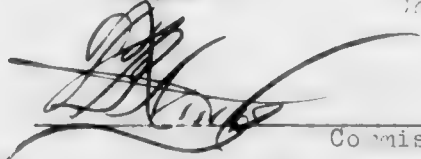
tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:


"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Tom Noah, Thompson Noah and Leona Noah should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

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

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

Muskogee, Indian Territory,

JUL 16 1904

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

ALLISON L. AYLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M.O.R. 5087.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 13, 1903.

Tom Noah,

Coffadelliah, Mississippi.

Dear Sir:

It appears from our records that on March 25, 1903, you made application to this Commission at Seale, Mississippi, for the identification of yourself and your two minor children, Thompson and Leona Noah, as Mississippi Choctaws.

From your testimony given at that time, the Commission is unable to determine whether or not you and your minor children are full blood Mississippi Choctaw Indians.

For the purpose of obtaining this information in proper form, there is enclosed herewith a blank affidavit in interrogatory form. You are requested to appear before a notary public and answer under oath the questions therein propounded, returning the affidavit to this Commission when properly executed in the enclosed self-addressed envelope.

This matter should receive your immediate attention, as no further steps can be taken in the matter of your application

T N 2.

for the identification of yourself and minor children until this  
affidavit is returned.

Respectfully,

A handwritten signature in dark ink, consisting of several overlapping, sweeping strokes that form a cursive or stylized name.

Chairman.

Env.

Enc. B.I. 26-13.

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

ALLISON L. AYLESWORTH,  
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5087.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 5, 1903.

H. Van V. Smith,  
Special Agent of the Government,  
Meridian, Mississippi.

Dear Sir:

There is enclosed you herewith one copy of the testimony in the matter of the application of Tom Noah, of Coffadelliah, Mississippi, for the identification of himself and two minor children as Mississippi Choctaws.

The principal applicant in this case failed to state the degree of Choctaw blood possessed by his father or the names of the parents of his wife; and you are directed, if possible, to secure from Tom Noah or some other person or persons who have knowledge of these applicants, an affidavit, deposition or such other testimony as is procurable relative to said ancestors.

If you are able to secure this evidence, please return the same, together with the record in the case, at the earliest practicable date, in order that a decision may be prepared.

Respectfully,

Enc.: M.C.R. 5087.

Chairman.



Meridian, Mississippi, December 3, 1903.

Tom Noah,

Coffadelliah, Mississippi.

Dear Sir-

It appears from the records of the Commission that on March 25, 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.

Very respectfully,

Special Agent.

File 2

COPY. M.C.R. 5087

Muskogee, Indian Territory, July 16, 1904.

Tom Noah,

Coffadellah, Mississippi,

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying you, and your two minor children, Thompson and Leona Noah, 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 for you to avail yourselves of the benefits of such identification, you must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before January 16, 1905, and must make proof of such removal and settlement on or before July 16, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*Tams Dixby.*  
Chairman.

Registered.

Incl. M.C.R. 5087.

COPY:

Muskogee, Indian Territory, July 16, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying Tom Noah and his two minor children, Thompson and Leona Noah, as Mississippi Choctaws, under the provision of Section 41 of the Act of Congress approved July 16, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said applicants as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If at the expiration of said time no protest has been filed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*Tame Bixby.*

Chairman.

Registered.  
Incl.M.C.R. 5087.

See M.C.R. 5507 for registry receipt for this letter.

For Identification as a Mississippi Choctaw.

Seale, Miss  
Date

MAR 25 1902

Name Tom Noah

Age 31 Blood Full

Post Office, Coffadiah, Miss

Father: Jim Noah d  
Pis-a-gram-see

Mother: Mary Jane Noah d

Claims through

For self and 2 children

Children:

Thompson Noah 11

Leona " 8

mother Sallie Bell F.B. L

Stenographer

J. A. Niles

5087

*File*

DEPAR  
SSION

**FILED**

MAY 23 1903

*[Handwritten scribble]*

DEKALB, MISS.  
COMMISSIONER  
MAY 23 1903  
REC'D.

*[Faint circular stamp]*

WILKINSON  
MAY 23 1903  
REC'D.

MAY 19 1903  
REC'D.

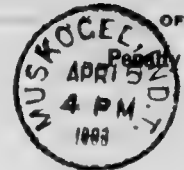
AS.

*Returned to Office*

Department of the Interior.

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

*used*



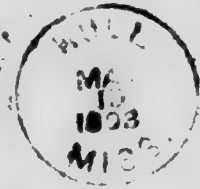
OFFICIAL BUSINESS.

Penalty for private use, \$300.



~~Tom Noah,~~

~~Georgetown, Mississippi~~



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

1904  
*[Handwritten signature]*

CHAIRMAN

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



*Unclaimed*

*Returned to writer*

Tom Noah,

Coffadeliak, Mississippi.



Choctaw MCR 5088

Clem Noah

MCR 5088

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

---o---

In the matter of the application of Clem Noah, et al.,  
for identification as Mississippi Choctaws.

---o---

Herein is the record in the matter of the application of  
Clem Noah, et al., for identification as Mississippi  
Choctaws, M.C.R. 5088.

---o---

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

-----o-----

In the matter of the application of Clem Noah, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5088.

--: I N D E X :--

	(Page)
Original application of Clem Noah, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission identifying the applicants herein as Mississippi Choctaws-----	4

-----o-----

5687

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Seale, Mississippi, March 25th, 1902.

In the matter of the application of Clem Noah for the identification of himself and his wife, Fannie, as Mississippi Choctaws.

Said Clem Noah, being first duly sworn, testified as follows:

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Clem Noah.  
Q How old are you? A Twenty-two.  
✓ Q Are you a full blood Choctaw? A Yes.  
Q What's your postoffice address? A Coffadelliah.  
Q In what County do you live? A Kemper.  
Q How long have you lived there? A All my life.  
Q Is your father living? A Dead.  
✓ Q What was his name? A Jim Noah.  
Q Is your mother living? A Dead.  
✓ Q What was her name? A I don't know.  
✓ Q Was it Mary Jane? A That's what I heard--she died when I was just a child.  
Q Are you a full brother of Tom Noah who has just appeared before the Commission? A Yes.  
Q Are you married? A Yes.  
✓ Q What's your wife's name? A Fannie.  
Q Are you living with her now? A Yes.  
Q How long have you been living with her? A Four years.  
Q Have you any children? A No.  
Q Were you married to her under a license or according to Choctaw custom? A Choctaw custom.  
✓ Q Is she a full blood Choctaw? A Yes.  
Q About how old is she? A About twenty.  
Q Has she lived here in Mississippi all her life? A Yes.  
Q Is her father living? A Yes.  
✓ Q What's his name? A Tom Kate.  
Q Live over on Owl Creek? A Yes.  
✓ Q Is he a full blood Choctaw? A Yes.  
Q Is your wife's mother living? A Dead.  
Q What was her name? A I don't know.  
Q Do you know the name of her father or mother? A I don't know.  
Q About how old a man is Tom Kate? A About forty.  
Q Where does he live? A On Owl Creek in Neshoba County.  
Q Do you know the name of Tom's father or mother? A No.  
Q Has he always lived here in Mississippi-Tom Kate? A Yes.  
Q So far as you know have all of your ancestors and all of your wife's ancestors always lived here in Mississippi? A Yes.  
✓ Q Have they all been full blood Choctaw Indians so far as you know? A Yes.  
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 No.

Clem Noah et al--2

Q You have been present and heard the examination in full of your uncle Teach Jacob and of your full brother Tom Noah, haven't you?

A Yes.

Q You understand the 14th article of the treaty of Dancing Rabbit Creek, then, do you not? A Yes.

Q Have any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of the 14th article or ever received any benefits thereunder? A I don't know.

Q Do you know whether any of them ever received any benefits under that article-received any land or any benefits whatever? A I don't know.

Q Did any of your ancestors or any of your wife's ancestors appear before any of the Commissioners appointed under the acts of Congress approved March 3, 1837 and August 23, 1842, and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Never heard.

Q Did any of them ever get any scrip from the Government by act of Congress approved August 23, 1842? A Never heard.

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 the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A 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 I don't know.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of your wife's ancestors covering land here in Mississippi received from the Government? A No.

Q Have you any written evidence of any kind to offer at this time?

A No.

Q Any witnesses? 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 Spring, including the one at Meridian between April 14th and 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 in support of your application? A No.

Q Has your wife any brothers living? A No.

Q Or any sisters? A No.

Q Has she any brothers or sisters dead who left children? A No-she didn't have any brothers or sisters.

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 One of my wife's mother's brothers is living.

Q What's his name? A Sam Shotubbee. He lives across Bogue Chitto Creek in Kemper C unty.

Q Is his wife living? A Yes.

Q What's her name? A Il-la-wa-to-nah.

Clem Noah et al--3

The applicant claims to be a full blood Choctaw--he has the hair and features and expression of a full blood Indian but his color is rather light and it appears that he might be possessed of a small proportion of white blood. He speaks and understands the Choctaw language and very little English, his examination having been conducted almost entirely through a sworn Choctaw interpreter. In connection with this application special reference is hereby made to the testimony in the matter of the application of his full brother Tom Noah, made to the Commission this day, and to the application of his mother's brother Teach Jacob made to the Commission this day.

-----

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 Seale, Mississippi, March 25th, 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 4th day of April, 1902, at Seale, Mississippi.

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

By *[Signature]*

Deputy.

*aw*

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

---o---

In the matter of the application of Clem Noah, et al., for identification as Mississippi Choctaws, M.C.R. 5088.

---: 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 March 25, 1902, by Clem Noah for himself and his wife, Fannie Noah, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

From the evidence submitted in support of said application it appears that both of the applicants are full-blood Mississippi Choctaw Indians.


Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw


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

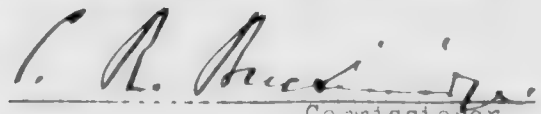
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

JUL 16 1904



AB

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

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5088.

ALLISON L. AYLESWORTH  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 11, 1908.

Olem Noah,

Coffadelliah, Mississippi.

Dear Sir:

It appears from our records that on March 25, 1908, you came before the Commission at Seale, Mississippi, and there made application for the identification of yourself and wife, Fannie Noah, as Mississippi Choctaws.

From your testimony given at that time, the Commission is unable to determine whether or not yourself and wife are full blood Choctaws.

For the purpose of obtaining this information in proper form, there are enclosed herewith two blank affidavits in interrogatory form. You and your wife are requested to appear before a notary public and answer under oath the questions propounded therein, returning the affidavits to this Commission when properly executed in the enclosed self-addressed envelope.

This matter should receive your immediate attention, as no further steps can be taken in the matter of your application

C W 2

for the identification of yourself and wife as Mississippi Choctaws  
until these affidavits are returned.

Respectfully,

A handwritten signature in dark ink, appearing to be a stylized name with a long horizontal stroke extending to the right.

Chairman.

Env.

Enc. B I 28-11.

*W. J. B.*

COMMISSIONERS:

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

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

REFER IN REPLY TO THE FOLLOWING

**M.C.R. 5088.**

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**Muskogee, Indian Territory, September 4, 1903.**

H. Van V. Smith,  
Special Agent of the Government,  
Meridian, Mississippi.

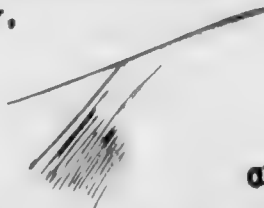
Dear Sir:

There is enclosed you herewith one copy of the testimony in the matter of the application of Clem Noah, of Coffadelliah, Mississippi, for the identification of himself and his wife as Mississippi Choctaws.

The principal applicant in this case failed to give any positive testimony as to his parents, or any information as to the mother of his wife; and you are directed, if possible, to secure from Clem Noah or some other person or persons who have knowledge of these applicants, an affidavit, deposition or such other testimony as is procurable relative to said ancestors.

If you are able to secure this evidence, please return the same, together with the record in the case, at the earliest practicable date, in order that a decision may be prepared.

Respectfully,



Chairman.

Enc.: M.C.R. 5088.

Meridian, Mississippi, September 25, 1903.

Olan Noah,

Coffadelliah, Mississippi.

Dear Sir-

It appears from the records of the Commission that on March 25, 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.

Very respectfully,

File No. 33  
M C R 5088

Special Agent.

Meridian, Mississippi, November 23, 1903

Clem Noah,

Coffadelliah, Mississippi.

Dear Sir-

Under date of September 25, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 25, 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 33

Special Agent.

M.C.R. 5088

COPY.

Muskogee, Indian Territory, July 16, 1904.

Clem Noah,

Coffadelish, Mississippi,

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying you and your wife, Fannie Noah, 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 for you to avail yourselves of the benefits of such identification, you must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before January 16, 1905, and must make proof of such removal and settlement on or before July 16, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Registered.  
Incl. M.C.R. 5088.

COPY!

M.C.R. 5088

Muskogee, Indian Territory, July 16, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying Clem Noah and his wife, Fannie Noah, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said applicants as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If at the expiration of said time no protest has been filed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*Tame Dixby.*

Chairman.

Registered.  
Incl. M.C.R. 5088.

See M.C.R. 6507 for registry receipt for this letter.

For Identification as a Mississippi Choctaw.

Seab, Miss. Date

MAR 25 1902

Name Clem Noah

Age 22 Blood Full

Post Office, Coffadeliak, Miss

Father: Jim Noah d

Mother: Mary Jane d

Claims through

wife Fannie Noah Full 20

Father Tom State d

Mother dont. know- d

For self use only

Children:

Stenographer

J. A. Niles



5088

*File*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE U.S. CIVILIZED TRIBES  
**FILED**  
MAY 23 1903



CHAIRMAN

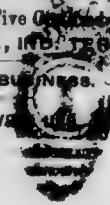
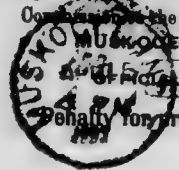


25

Returned to  
Refused

Department of the Interior.

Commissary for the Five Civilized Tribes,  
MUSKOGEE, IND. TER.



NO OFFICIAL BUSINESS.

Penalty for private use, \$100.

~~Clem Noah,~~

Coffadellah, Mississippi.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE PUBLIC LANDS

**FILED**

SEP 26 1904



CHAIRMAN

Department of the Interior.

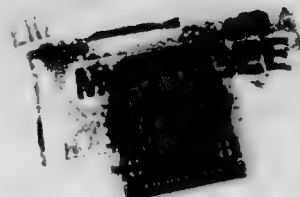
Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



*Unclaimed*

*10/38*



*Returned to writer*

Clem Cook,

Woffadellah, Mississippi.

SEP 10 1904

Choctaw MCR 5089

Sallie Ramsey

See MCR 2064, 530

MCR 5089

5889  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Beale, Mississippi, March 26, 1902.

In the matter of the application of Sallie Ramsey for the identification of herself and her five minor children, Annie, Mary, Bunk, Cremen and Sallie, as Mississippi Choctaws.

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

Examination by the Commission.

- Q What is your name? A Sallie Ramsey.  
Q How old are you? A Thirty.  
Q How much Choctaw blood have you? A Half.  
Q What's your post office address? A Aden, Mississippi.  
Q Neshoba County? A Yes, sir.  
Q How long have you lived in Neshoba County? A Three years.  
Q Where did you live before you came to Neshoba County? Edge of Winston.  
Q How long did you live there? A Two years.  
Q Where did you live before that? A Well, when I married I lived in Neshoba - until I married and went up there.  
Q You were born, then, in Neshoba County, Mississippi? A Yes, sir.  
Q Have you lived in the State of Mississippi all your life? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q What's his name? A Billy Willis.  
Q Is your mother living? A Yes, sir.  
Q What's her name? A Lou.  
Q Has your father any Choctaw blood? A He is whole Choctaw.  
Q Full blood Choctaw? A Yes, sir.  
Q Where does he live? A He lives in Neshoba County.  
Q How far from you? A About a mile or two.  
Q Has your mother any Choctaw blood? A No, sir.  
Q What is she, negro? A Yes, sir.  
Q How long have your father and mother been living together? A I don't know exactly how long.  
Q Give us an idea, as near as you can? A They have been together a long time.  
Q Since before your birth, have they? A Yes, sir.  
Q How many children have they living? A Eleven.  
Q Do you know whether they were married under a license? A Yes, sir.  
Q They were? A Yes, sir.  
Q Where? A Philadelphia.  
Q Did you ever see that license? A No, sir, I don't know nothing about that license.  
Q Has your father a Choctaw name? A Yes, sir, he is Choctaw.  
Q Has he a Choctaw name? The Choctaws have Choctaw names and English names. Now, has he a Choctaw name, or Just Billy Willis?  
A That's all I know.  
Q Has he lived in this State all his life? A Ever since I knowed anything about it; I don't know anything only what I heard him say.

Sallie Ramsey, et al., 2.

- Q Do you know the name of his father or his mother? A No, sir.  
Q Does he speak or understand the Choctaw language? A Yes, sir.  
Q Do you? A No, sir. I never did learn in.  
Q What's the name of your husband? A Josh Ramsey.  
Q Has he any Choctaw blood? A No, sir.  
Q Is he a negro? A Yes, sir.  
Q You make no claim for him? A No, sir.  
Q How many children have you living? A Five.  
Q What are their names and ages? A Annie.  
Q How old? A Ten years old.  
Q Next one? A Mary.  
Q How old? A Eight.  
Q Next one? A Bunk.  
Q How old? A Six.  
Q Next one? A Creman.  
Q Boy? A Yes, sir.  
Q How old is he? A Three.  
Q Next one? A Sallie, about three months.  
Q Are these five children living with you at this time? A Yes, sir.  
Q What's the name of the father of your three oldest children? A  
A Well, I just don't want to call the name.  
Q Is one man the father of all three of them? A Yes, sir.  
Q Has he any Choctaw blood? A No, sir.  
Q What's the name of the father of your two youngest children? A J  
Josh Ramsey.  
Q Do these children go by the name of Ramsey or your maiden name,  
Willis? A They go by the name of Ramsey.  
Q All your children get their Choctaw blood solely through you?  
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 you or any of these children for the purpose of establish-  
ing your rights as Choctaw Indians? A I think my father gave my  
name to the Commission three years ago.

The records of the Commission show that on the first day of February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of this applicant, and her three minor children, Annie, Mary and Bunk, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 580; also, upon page 107 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 fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers 1902, 1903, 1904 and 1905, respectively, thereon.

- Q Is your name, Random, or Ramsey? A Ramsey.  
Q Is this application made for you three years ago at Philadelphia,

Ballie Ramsey, et al., 3.

Mississippi, the only application of any kind that has ever been made for you or any of these children, for the purpose of establishing your rights as Choctaw Indians? A The only one that I knew anything about.

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? A No, sir, I don't understand it.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, ~~many~~ 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 preferred 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 of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter 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 I reckon I do; that's pretty hard to understand.



Well, now, in case a Choctaw who lived here seventy one years ago, when this treaty was made, wanted to stay here and take land, he 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 must do that within six months from the time the treaty was ratified, that is, finally agreed to. Now, after the Choctaw had let the agent of the Government know that he wanted to stay here, he was entitled to one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, and for each child in his family over ten years of age on the day the treaty was made, the 27th of September, 1830, he was entitled to a half section, or three hundred and twenty acres of land, and for each child under ten years of age, he was entitled to a quarter section, or one hundred and sixty acres. The reservations of these children were required by the terms of the 14th article to adjoin the location of the parent; those reservations were required by that article to include the improvement of the parent as it existed on the 27th day of September, 1830, when the treaty was made. Now, if these Indians lived on that land from the 24th day of February, 1831, the day the treaty was ratified, they were entitled to a grant in fee simple from the Government for the land; that is, the Government would give them a deed to the land, and it became the Indian's to do with whatever he pleased. 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, a Choctaw who stayed here in Mississippi and took land under this 14th article should not, by reason of his having done so, lose the privilege of a Choctaw citizen, but if he ever moved out to the new country west of the Mississippi River, he should not be entitled to any portion of this Choctaw annuity, or money which is paid each year to the Indians 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 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, seventy one years ago, do you know? A No, sir, I don't know.

Q Did any of them live here at that time? A I couldn't tell you.

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 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 No, sir, I don't know.

Q Did any of them ever claim or receive any land here in Mississippi

Sallie Ramsey, et al., 5.

from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

Q Not that you know of? A No, sir.

Q If any of your people ever got any land from the Government, then, you never heard of it? A No, sir, they have never got any.

Q Every get any money from the Government - any of them? 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 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 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 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.

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 I don't know, sir.

Sallie Ramsey, et al., 6.

- Q You never heard of it, did you? 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 kind which would prove or tend to prove such a state of facts? A No, sir.  
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 of the United States? A No, sir.  
Q Have you any witnesses here today? A No, sir.  
Q Have you any evidence to offer? 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 one of our appointments here in Mississippi this 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 who are of age? A Yes, sir.  
Q How many? A Just two living.  
Q Ed and George? A Yes, sir.  
Q Have you any sisters who are of age, or married? A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro and Indian blood. She has the features and facial expressions of a negro, except that her cheek bones are unusually high, her hair is black and straight; 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 26th day of March, 1902, at Seale, 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 Toles, Mississippi, this 8th day of April, 1902.

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

By *[Signature]*

Deputy.

M.C.R. 5089  
COPY.

Muskogee, Indian Territory, May 12, 1904.

Sallie Ramsey,  
Aden, Mississippi,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 12, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willy Willis et al., including you and your minor children, Annie Ramsey, Mary Ramsey, Bunk Ramsey, Creman Ramsey and Sallie Ramsey.

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

Respectfully,

Chairman.

Registered.

M.C.R. 5089

COPY.

Muskogee, Indian Territory, November 18, 1904.

Sallie Ramsey,

Aden, Mississippi,

Dear Madam:

You are hereby notified that on the 12th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of yourself and minor children, Annie Ramsey, Mary Ramsey, Bunk Ramsey, Creman Ramsey and Sallie Ramsey, included in the consolidated case of Billy Willis et al., of which decision you were advised by registered mail on the 12th day of May, 1904.

Respectfully,

(SIGNED)

*Jame Bixby*

Chairman.

FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW

20

IN RE  
*Identification*  
Application for Enrollment of

INFANT CHILD

*Cremon Ramsey,*  
as a child of

MISSISSIPPI CHOCTAW.

Approved,

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

190

Commissioner.

*See Miss Cho Card Filed No 530.*

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.

*[Signature]*  
Acting Chairman.

MISSISSIPPI CHOCTAW. # 530

508

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

FILED  
APR 3 1902

*[Signature]*

ACTING CHAIRMAN.

Miss. Choctaw card No 5-30.

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

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

IN RE Application for Identification as a citizen of the MISSISSIPPI CHOCTAW Nation  
of Cremar Ramsey, born on the 30 day of April, 1899  
(Here insert name of child)  
Name of Father: Josh Ramsey, a citizen of the United States  
Name of Mother: Sallie, a citizen of the Choctaw Nation.  
Post-office, Aden, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
Territory,  
State of Mississippi District,  
County of Neshoba

I, Sallie Ramsey, on oath state that I am 30  
years of age and a 1/2 Full Blood Choctaw Indian  
that I am the lawful wife of Josh Ramsey, who is a citizen  
Citizen of the United States Nation, that a male child was  
(male or female)  
born to me on the 30 day of April, 1899; that said child has been  
named Cremar Ramsey, and is now living.

WITNESSES TO MARK  
(Must be Two Witnesses) R. S. Street  
Guy L. V. Emerson  
Sallie Ramsey  
Hand

Subscribed and sworn to before me this 26 day of March, 1900.

L. B. Mosely Clerk  
U. S. Circuit Court for District of Mississippi  
By Street, D.C.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
Territory,  
State of Mississippi District,  
County of Neshoba

I, Josh Ramsey, on oath state that I  
attended on Mrs. Sallie Ramsey my wife  
on the 30 day of April, 1899; that there was born to her on  
said date a male child; that said child is now living and has been  
(male or female)  
named Cremar Ramsey.

WITNESSES TO MARK  
(Must be Two Witnesses) R. S. Street  
Guy L. V. Emerson  
Josh Ramsey  
Hand

Subscribed and sworn to before me this 26 day of March, 1900.

L. B. Mosely Clerk  
U. S. Circuit Court for District of Mississippi  
By Street, D.C.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

IN RE  
*Identification*  
Application for Enrollment of  
INFANT CHILD

*Sallie Ramsey*

MISSISSIPPI CHOCTAW.

Approved,

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW 190  
Commissioner.

*See Miss Choctaw Card filed 10530.*

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.

*[Signature]*  
Acting Chairman.

MISSISSIPPI CHOCTAW. #530.

5087

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

FILED  
APR 8 1902

*[Signature]*  
ACTING CHAIRMAN



Miss. Choctaw card No. 530

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS

A MISSISSIPPI CHOCTAW  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Identification*  
IN RE Application for ~~Registration~~, as a ~~member~~ of the MISSISSIPPI CHOCTAW Nation.  
of *Sallie Ramsey*, born on the *8* day of *January*, 19*02*  
(Here insert name of child)  
Name of Father: *Josh Ramsey*, a citizen of the *United States* Nation.  
Name of Mother: *Sallie*, a citizen of the *1/2 Blood Choctaw Indian* Nation.  
Post-office, *Aden, Miss.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, )

*State of Mississippi*  
*County of Washitah*

*Sallie Ramsey*, on oath state that I am *30*  
years of age and a *1/2 Blood Choctaw* Indian  
that I am the lawful wife of *Josh Ramsey*, who is a citizen,  
of the *United States* Nation, that a *Female* child was  
(male or female)  
born to me on the *8* day of *January*, 19*02* that said child has been  
named *Sallie Ramsey*, and is now living.

WITNESSES TO MARK

(Must be Two)  
Witnesses

*Sallie Ramsey*  
*R. S. Street*  
*Guy L. V. Emerson*

Subscribed and sworn to before me this *26* day of *March*, 190*2*

*L. B. Mosely Clerk*  
*U. S. Circuit Court District of Mississippi*  
*By [Signature] D.C.*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, )

*State of Mississippi*  
*County of Washitah*

*Josh Ramsey*, on oath state that I  
attended on Mrs. *Sallie Ramsey* my wife  
on the *8* day of *January*, 19*02* that there was born to her on  
said date a *Female* child; that said child is now living and is said to have been  
(male or female)  
named *Sallie Ramsey*.

WITNESSES TO MARK

(Must be Two)  
Witnesses

*Josh Ramsey*  
*R. S. Street*  
*Guy L. V. Emerson*

Subscribed and sworn to before me this *26* day of *March*, 190*2*

*L. B. Mosely Clerk*  
*U. S. Circuit Court District of Mississippi*  
*By [Signature] D.C.*

#1921

No. 5089

For Identification as a Mississippi Choctaw.

Deale Miss.

Date MAR 26 1902

Name

Sallie Ramsey

Age

30

Blood

1/2

Post Office,

Aden Miss.

Father:

Pillip Willis L

Mother:

Lou " L

Claims through father

husband

Josh Ramsey

L

(no claim for him.)

For self and 5 children.

Children:

Annie Ramsey (1/4) 10

Mary " " 8

Bunk " " 6

Father not known

Creman Ramsey (1/4) 3

Sallie " (1/4) 3mo

Father Josh Ramsey. L  
no choe. blood.

Miss Choctaw card No 530.

Stenographer

R. J. Street

Choctaw MCR 5090

Jeff. Davis

MCR 5090

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

----o----

In the matter of the application of Jeff Davis, for identification as a Mississippi Choctaw.

--o--

Herein is the record in the matter of the application of Jeff Davis, for identification as a Mississippi Choctaw  
M.C.R. 5090.

---o---

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

--o--

In the matter of the application of Jeff Davis, for identification as a Mississippi Choctaw, M.C.R. 5090.

--: I N D E X :--

	(Page)
Original application of Jeff Davis, to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Decision of the Commission identifying the applicant herein as a Mississippi Choctaw-----	7

---o---

5090

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Seale, Mississippi, March 26th, 1902.

In the matter of the application of Jeff Davis for identification as a Mississippi Choctaw.

Said Jeff Davis, being first duly sworn, testified as follows:

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Jeff Davis.
- Q How old are you? A ~~Forty-eight~~; I am a full blood.
- Q What's your postoffice address? A Coffadelliah.
- Q Do you live in Neshoba County? A Yes.
- Q How long have you lived in Neshoba County? A I've been living in Neshoba ever since I was twenty years old-lived in Kemper until I was twenty years old.
- Q Is your father living? A No, dead.
- Q What was his name? A Sucarnoochee Charlie.
- Q Was your father a full blood Choctaw? A Yes.
- Q How long has he been dead? A Ever since I was about ten years old.
- Q Did he live here in Mississippi all his life? A Yes.
- Q Do you know the name of his father or his mother? A I don't know none of them.
- Q Did your father ever have any other name besides Sucarnoochee Charlie? A Yes, Im-ath-to-cubbee.
- Q Is your mother living? A No.
- Q What was her name? A Ish-ti-ah-ho-nah.
- Q Was she a full blood Choctaw? A Yes.
- Q Did she live here in Mississippi all her life? A Yes.
- Q How old would she be if she were living now? A She was about fifty when she died.
- Q How long has she been dead? A About forty years.
- Q Do you know the name of her father or her mother? A No, I don't know nary one of them.
- Q As far as you know have all of your ancestors always lived here in Mississippi? A Yes.
- Q And have they all been full blood Choctaw Indians? A Yes.
- Q Are you married? A No.
- Q Have you ever been married? A I was married once but we didn't stay together very long but we separated and I've been living by myself.
- Q Is your wife living now? A Dead.
- Q Did you have any children by her? A No.
- Q You have no one at all living with you, then, at this time? A No. Just by myself.
- 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 for the purpose of establishing your rights as a Choctaw Indian? A No.
- Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, 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. 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.

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 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 never heard that any of my ancestors moved from here.

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

Jeff Davis--3

in Mississippi and become citizens of the States and take land?

A I don't know.

Q Did any of them ever receive any land from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A I heard that my uncle got land here--he died here some time ago--~~his~~ one of his daughters lives on it.

Q Lives on it now? A Yes.

Q What was the name of that uncle? A Jim Thompson.

Q Did he have a Choctaw name? A Bunna.

Q Was he your mother's brother or your father's brother? A Mother's brother.

Q Did your mother have any other brothers or sisters? A Yes, another one by the name of William Thompson.

Q Did he have a Choctaw name? A That's all I've heard.

Q Was your mother's brother Jim older or younger than she? A Older.

Q Did your mother have any other brothers besides the two you have named? A That's all.

Q Did she have any sisters? A I heard that my mother had a sister but she died before I could recollect.

Q Do you remember her name? A No.

Q Older or younger than your mother? A Younger.

Q Which of your mother's brothers was the oldest, Jim or the other one? A William was.

Q Didn't you ever hear what William's Choctaw name was? A I don't know.

Q Did you ever hear that it was Ah-she-le-tubbee? A No, never heard it.

Q Did you ever hear of your mother having a sister by the name of Ish-ti-o-klee? A No, never did hear it.

Q Or a sister by the name of Ah-che-te-mah? A No.

Q Do you know whether your mother's father's name was I-an-ta-tubbee? A Never heard.

Q How much land did your mother's brother get from the Government?

A I heard that they got one hundred and eighty acres--white men over there got some of it but I don't know how much they got.

Q How much older was this brother than your mother? A I don't know.

Q Do you have any idea how much older he was than your mother?

A I don't have any idea how much older.

Q Didn't your mother get some land at the same time her brother got some? A No.

Q Did you ever hear whether your mother's father got any land from the Government? A My mother's father was the one that got the land--she died and her son claimed it.

Q Did any other of your mother's brothers or sisters get any land from the Government? A If they did I never heard of it--they all lived on the place that my mother's father got.

Q Where is that land, that your grandfather got, situated? A In Neshoba County not very far from here.

Q On what creek? A Right over here about a mile and a half from here. About a mile south of Owl Creek.

Q Who lives on that land now? A Archie.

Q Is he a full blood Choctaw? A Yes.

Q Has he any other name? A I don't know.



Jeff Davis--4

Q What relation is Archie to your mother? A I believe he's the son of my mother's brother Jim Thompson.

On page 540 of Volume 1 of the record of the Court of Claims in case No. 12782 the Choctaw nation of Indians vs the United States, appears the case of I-an-ta-tubbee, being No. 988 in schedule "S" of twenty-five cases fully adjudicated by Commissioners Tyler, Gaines and Rush under act of Congress approved August 23, 1842. The names of his children over ten years of age at the time the treaty was made are Ah-che-te-mah and Ah-che-le-tubbee; of those under ten years of age James, Ish-ti-ah-ho-nah and Ish-ti-o-klee, it appearing that at the time of the treaty I-an-ta-tubbee lived on Section 3, Township 9, Range 13; that the claim of I-an-ta-tubbee was favorably acted upon by said Commissioners Tyler, Gaines and Rush and that their decision was on the 23rd of July, 1845, affirmed by the Secretary of War: It is impossible, from the testimony of this witness, to determine definitely whether these are the names of some of his ancestors, though he gives his mother's name as Ish-ti-ah-ho-nah and states that she had an older brother named James who got land from the Government here in Mississippi in an early day, said land still being in the possession of some of his descendants.

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 take land and become citizens of the States 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 between the years 1837 and 1845 and heard a great many of these Choctaw cases.

4

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article

Jeff Davis--5

of the treaty to your knowledge? A I don't know.

An act of Congress approved the 23d 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 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 receive any of this scrip from the Government of the United States under this act of Congress?

A Yes, I've heard that -my ancestors got this land and they got the land paper. A man by the name of Holly got this paper.

Q What relation was he to you? A I don't think he was any relation to me.

Q What one of your old folks ever got any land from the Government or any scrip from the Government, land paper? A I don't know which one of my ancestors got this land but that's what I heard.

Q Do you know where this land paper is now? A No, I don't know where it is.

Q Do you know of any deeds or patents or papers of any kind which would show or tend to show 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 I don't know.

Q Do you know of any old person living who would likely know about this matter? A I don't know of any one.

Q Have you any witnesses here today? A No.

Q Any written evidence of any kind to offer? A No.

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 Spring, including the one 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? A No.

Q Have you any brothers living? A No.

Q Have you any sisters living? A No, they all dead.

Q Did any of your brothers leave children? A No.

Q Did any of your sisters leave children? A No.

Q Are any of your father's brothers or sisters or any of their children or grandchildren living? A No.

Q Are any of your mother's brothers living? A No.

Q Are any of your mother's sisters or any of their children or grandchildren living? A No.

Jeff Davis--6

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 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 Seale, Mississippi, March 26th, 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 4th day of April, 1902, at Seale, Mississippi.

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

By *[Signature]*

Deputy.

*(over)*

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

-----o-----

In the matter of the application of Jeff Davis, for  
identification as a Mississippi Choctaw, M.C.R. 5090.

---: 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 March 26, 1902, by Jeff Davis 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 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 is a full-blood Mississippi Choctaw  
Indian.

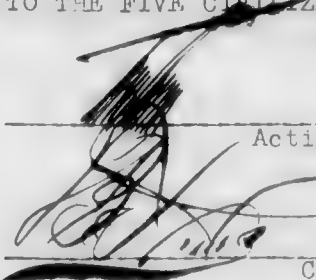
Section forty-one of the act of Congress entitled "An Act  
To ratify and confirm an agreement with the Choctaw and Chickasaw


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 Jeff Davis 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

H.C.R. 5090

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 Jeff Davis, 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 Jeff Davis 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,

*Tame Dixby,*  
~~Chairman~~ Chairman.

Registered.

Enc. MT. 14

COPY.

M.C.R. 5090

Muskogee, Indian Territory, March 11, 1903.

Jeff Davis,

Coffadelliah, Mississippi.

Dear Sir:

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

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

Respectfully,

*James Bixby.*  
Chairman.

Registered.

Enc. 5090

#1922

No. 5090

For Identification as a Mississippi Choctaw.

Seale, Miss  
Date

MAR 26 1902

Name Jeff Davis

Age 48 Blood full

Post Office, Coffadelliah, Miss.

Father: Sucarnoochee Charley d  
In-ath lo-cubee

Mother: ~~Sti~~ ah-ho-nah. d

Claims through

*[Faint handwritten notes]*

Children:

Stenographer

J. S. Niles





Choctaw MCR 5091

George Willis

See MCR 2064, 529

MCR 5091

509  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Seale, Mississippi, March 24, 1902.

In the matter of the application of George Willis for the identification of himself and his one minor child, Ada Lee, as Mississippi Choctaws.

George Willis, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A George Willis.  
Q How old are you? A Twenty three.  
Q How much Choctaw blood have you? A Half.  
Q What's your post office address? A Aden, Mississippi.  
Q Neshoba County? A Yes, sir. don't  
Q How long have you lived in Neshoba County? A Well, I don't live  
in Neshoba County right now.  
Q What county? A Winston.  
Q How long have you lived there? A About five or six months.  
Q Where did you live before that? A In Neshoba.  
Q How long? A All my life.  
Q Is your father living? A Yes, sir.  
Q What's his name? A Billy Willis.  
Q Your mother living? A Yes, sir.  
Q What's her name? A Lou.  
Q How much Choctaw blood has your father? A He is whole.  
Q Full blood Choctaw? A Yes, sir.  
Q Has your mother any Choctaw blood? A No, sir.  
Q Full blood negro? A Yes, sir.  
Q Has your father lived in this State all his life? A Yes, sir, I think he has.  
Q Do you know the name of his father or his mother? A No, sir.  
Q Has your father a Choctaw name? A I don't know, sir.  
Q Does he speak or understand the Choctaw language? A Yes, sir.  
Q Do you? A No, sir.  
Q Are you married? A Yes, sir.  
Q Is your wife living? A Yes, sir.  
Q What's her name? A Alice.  
Q Has she any Choctaw blood? A No, sir.  
Q You make no claim for her then? A No, sir.  
Q Have you any children? A One.  
Q What's her name? A Ada Lee.  
Q How old is Ada Lee? A About eleven months old.  
Q Is she the child of yourself and Alice? A Yes, sir.  
Q This application then is for yourself and one child? A Yes, sir.  
Q Were you married to Alice under a license or according to the Choctaw custom? A License.  
Q Where? A In Wink County, at Louisville.  
Q When? A I don't know what year it was, been about three years ago though.

Q George Willis, et al., 2.

Q Have you your license with you? A No, sir.

Q Who married you? A Black preacher.

Q What's his name? A I can't think of his name now.

Q

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Alice, for use in connection with the application which you make in behalf of your 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 I don't know, 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 Indians? A No, sir, not that I know of. I think pa give it in some time.

Q Didn't your father give in your name three years ago at Philadelphia? A I don't know, sir.

The records of the Commission show that on the first day February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Billie Willis, his wife, Lou, and minor children, Hamp, Ed, George, Lloyd, Tommie, Emma, Virgie, Sam, Nola and Pruner, as Mississippi, Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 529; also, upon page 107 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 claiming rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of Dancing Rabbit Creek, being Numbers 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899 1900 and 1901, respectively thereon.

Q Are the names which I have just called the names of the members of your family? A Yes, sir.

Q Is this application made for you three years ago, the only application of any kind that has ever been made for you? A I don't know anything about that.

Q That's all you know of? A Yes, sir.

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

Q You understand that 14th article, do you not? A No, sir, I don't understand it.

Q Did you hear the examination in full of your sister, Sallie Ramsey? A Yes, sir, I heard it.

Q Still, you don't understand the 14th article? A No, sir.

This treaty of Dancing Rabbit Creek was entered into here

George Willis, et al., 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 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. 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 a family, or a portion of it. Persons who claim under this article shall not 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 I don't know, sir.

Q

Well, if a Choctaw Indian living here seventy one years ago wanted to stay here and not move out west to the new nation, he was required, in order to get land under the 14th article, to let the agent of the Government here in Mississippi for the Choctaws at that time, know that he wanted to stay here, and he was required to do that within six months from the time the treaty was ratified, or finally made and agreed to. Now, after he had so 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, or a piece of land a milesquare, here in Mississippi in the old Indian reservation, and for each child in

George Willis, et al., 4.

his family over ten years of age, he was entitled to one half that quantity, or three hundred and twenty acres of land, and for each child in his family under ten years of age at the time the treaty was ratified, he was entitled to a quarter section, or one hundred and sixty acres of land. The reservations for these children were required to adjoin the location of the parents, and these reservations were required to include the improvement of the parent. Now, if the Indians lived on that land for five years from the time the treaty was ratified, that is, five years from February 24, 1831, ~~that~~ they were entitled to a grant in fee simple; that is, the Government would give the Indian a deed to the land, and it became his to dispose of as he might see fit. That 14th article further provided 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 west to the new nation, they were not to be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid to the Choctaws each year by the Government of the United States 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 under it? 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 1830, when this treaty was made?

A I don't know.

Q Do you know whether any of them lived here at that time? A No, 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 1836? A No, sir, not as I know of.

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 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 under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir not that 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 in Mississippi 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 complain

George Willis, et al., 5.

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 that 14th article of the treaty, 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 decided 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 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 under it? 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 today? 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 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 I believe you stated that you were a full brother to Sallie Ramsey? Who has heretofore appeared before the Commission today? A Yes, sir.

George Willis, et al., v.

(This applicant has the appearance of being possessed of a mixture of negro and Indian blood. He has the features and facial expressions of a negro, except that his cheek bones are unusually high, and his hair is black and straight; he does not speak or understand the Choctaw language.)

R. B. 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 Seale, Mississippi, on the 26th day of March, 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. B. Streit*

Subscribed and sworn to before me at Toles, Mississippi, this 8th day of April, 1902.

*L. B. Mosley*

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

By

*J. M. ...*

Deputy.



M.C.R. 5091

COPY.

Muskogee, Indian Territory, May 12, 1904.

George Willis,

Aden, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 12, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Billy Willis et al., including you and your minor child, Ada Lee Willis.

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

Respectfully,

SIGNED

Chairman.

Registered.

W.C.R. 5091

COPY.

Muskogee, Indian Territory, November 18, 1904.

George Willis,  
Aden, Mississippi,

Dear Sir:

You are hereby notified that on the 12th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of yourself and minor child, Ada Lee Willis, included in the consolidated case of Billy Willis et al, of which decision you were advised by registered mail on the 12th day of May, 1904.

Respectfully,

SIGNED

*Tame Bixby*

Chairman.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

IN RE

*Identification*  
Application for Enrollment of

INFANT CHILD

*Ada Lee Willis.*

AS A ~~CITIZEN~~

CHOCTAW.

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

FILED  
APR 9 1902



ACTING CHAIRMAN

Approved,

FOR IDENTIFICATION AS  
MISSISSIPPI CHOCTAW 190  
Commissioner.

*See Miss Choctaw Card File No. 529*

The within application has been accepted as evidence of the birth of the within named child and will 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.

  
Commissioner.

5091

Miss. Choctaw No 529

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Identification*  
IN RE Application for Registration, as a ~~citizen of the~~ CHOCTAW ~~Nation,~~  
of *Ada Lee Willis*, born on the *9* day of *April*, 1901.  
(Here insert name of child)  
Name of Father: *George Willis*, a ~~citizen of the~~ *1/2 Blood Choctaw Indian*  
Name of Mother: *Alice*, a ~~citizen of the~~ *City of United States*  
Post-office, *Aden, Miss.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
~~INDIAN TERRITORY.~~  
*State of Mississippi*  
*Court of No. 1*  
*Alice Willis*

I, *Alice Willis*, on oath state that I am *23*  
years of age and a citizen, of the *United States*  
that I am the lawful wife of *George Willis*, who is a ~~citizen of the~~  
*1/2 Blood* ~~the~~ *Choctaw Indian* Nation, that a *Female* child was  
(male or female)  
born to me on the *9* day of *April*, 1901; that said child has been  
named *Ada Lee Willis*, and is now living.

WITNESSES TO MARK,  
(Must be Two Witnesses)  
*[Signatures]*

Subscribed and sworn to before me this *9* day of *April*, 1901  
*[Signature]*  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
District.

I, *Alice Willis*, on oath state that I  
attended on Mrs. *Alice Willis*, wife of *George Willis*,  
on the *9* day of *April*, 1901; that there was born to her on  
said date a *Female* child; that said child is now living and is said to have been  
(male or female)  
named *Ada Lee Willis*.

WITNESSES TO MARK:  
(Must be Two Witnesses)  
*[Signatures]*

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1901.

NOTARY PUBLIC

#1923

No. 5091

For Identification as a Mississippi Choctaw.

Seale, <sup>Miss.</sup> Date

MAR 26 1902

Name George Willis.

Age 23 Blood 1/2

Post Office, Aden, Miss.

Father: Billy Willis (full) L

Mother: Lou " L

Claims through father:  
wife Alice Willis L  
no claim for wife.

For self and one child.

Children:

Ada Lee Willis (1/4) N/Mo

Mix, Soc. No. 529.

Stenographer

R. J. Street

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

**FILED**

OCT 15 1904

*[Handwritten signature]*

CHAIRMAN

Department of the Interior.  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

*revised*



*delivered to the Commission*  
*revised*

*Muskogee*

OCT 7 1904

*Ind Ter*

Choctaw MCR 5092

Jimpson Hickman

MCR 5092



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

-----o-----

In the matter of the application of Jimpson Hickman for  
identification as a Mississippi Choctaw.

---o---

Herein is the record in the matter of the application  
of Jimpson Hickman for identification as a Mississippi  
Choctaw, M.C.R. 5092.

---o---

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

---o---

In the matter of the application of Jimpson Hickman,  
for identification as a Mississippi Choctaw, M.C.R. 5092.

--: I N D E X :--

	(Page)
Original application of Jimpson Hickman to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Decision of the Commission identifying the ap- plicant herein as a Mississippi Choctaw-----	3

-----o-----

5090  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Seale, Mississippi, March 26, 1902.

In the matter of the application of Jimpson Hickman for the identification of himself as a Mississippi Choctaw.

Jimpson Hickman, 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 Jimpson Hickman.  
Q How old are you? A I think I am over forty.  
Q Forty five you think? A I think so.  
Q How much Choctaw blood have you? A Full blood.  
Q What's your post office address? A Coffadelliah, Mississippi.  
Q Do you live in Neshoba County? A Yes.  
Q How long have you lived here? A All my life.  
Q Is your father living? A No.  
Q What was his name? A John Hickman.  
Q How long has he been dead? A About ten years, I reckon.  
Q He was a full blood Choctaw, was he? A Yes.  
Q Did he live in Mississippi all his life? A Yes.  
Q Did he have a Choctaw name? A I don't know.  
Q About how old a man was he when he died? A About sixty.  
Q Do you know the name of his father or mother? A No.  
Q Is your mother living? A No.  
Q What was her name? A Mary.  
Q Was she a full blood Choctaw? A Yes.  
Q Did she live here in Mississippi all her life? A Yes.  
Q Did she have a Choctaw name? A Never heard of it, if she did.  
Q Do you know the name of her father or her mother? A No.  
Q Do you know the name of any of your ancestors, except your father and mother? A No.  
Q Are you married? A No.  
Q Have you ever been married? A Married one time.  
Q What was your wife's name? A Susan; she is now the ~~brat~~ wife of my brother Ellis.  
Q Have you any children living by Susan? A One.  
Q What's his name? A Johnikin. He lives with Susan.  
Q You have no one living with you at all? 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 the purpose of establishing your rights as a Choctaw Indian? A No.  
Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes.  
Q You heard the examination in full of your brother, Ellis, did you not? A Yes.  
Q Do you know anything more in regard to 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 than that testified to by your brother, Ellis? A No.

Jimpson Hickman, et al., 2.

Q If any of your ancestors, then, ever received any benefits whatever as Choctaw Indians, any land or money, you never heard of it?  
A No.

Q Did any of them ever get any scrip from the Government, to your knowledge? A No.

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 I don't remember it, if I 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, 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 Don't know of any

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

Q Any witnesses? A No.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any one of our appointments here in Mississippi this 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.

(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 partially in English and partially through a sworn Choctaw interpreter.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 26th day of March, 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 Toles, Mississippi, this 8th day of April, 1902.

*R. S. Streit*  
*L. B. Mosely*  
Clerk US. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.

*copy*

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

--o--

In the matter of the application of Jimpson Hickman, for identification as a Mississippi Choctaw, M.C.R. 5092.

---: 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 March 26, 1902, by Jimpson 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 Jimson Wickman should be identified as a Mississippi Choctaw, and it is so ordered.

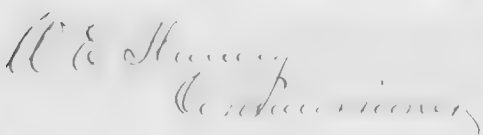
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

Muskogee, Indian Territory,

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

APR 17 1904

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

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 Jimpson Hickman as a Mississippi Choctaw Indian, under the provisions 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 Jimpson 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)

*James Bixby.*

Registered.  
Enc.: 5092.

Chairman.

H.C.R. 5092.

COPY.

Muskogee, Indian Territory, May 4, 1903.

Jimpton Hickman,  
Geffadeliah, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before November 4, 1903, you will have six months from that date, or until May 4, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

Registered.

Enc. 5092.



M.C.R. 5092.

COPY.

Mokegoe, Indian Territory, May 4, 1903.

Jimson Hickman,

Goffadlish, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the Decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 17, 1903, you will have six months from that date, or until April 17, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully, (SIGNED)

*Tams Bixby.*  
Chairman.

Registered.

Enc. 5092.

#1924

No. 5092

For Identification as a Mississippi Choctaw.

Sealed <sup>Miss.</sup>

Date MAR 26 1902

Name Jimson <sup>P</sup> Hickman

Age 45 Blood Full

Post Office, Coffadeliak, Miss

Father: John Hickman d

Mother: Mary " d

Claims through

For use only

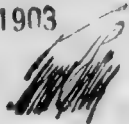
Children:

Stenographer

R. A. Street

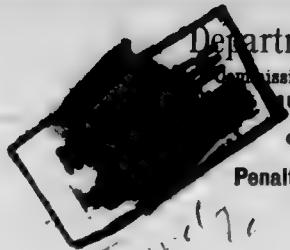
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE GREAT SMOKE RIVER TRIBES.

FILED  
MAY 23 1903



CHAIRMAN.

161



Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

*Returned to ...*

**REGISTERED**  
MAY 1907  
MUSKOGEE, IND. TER.

Jimson Hickman,

Coffadaliah, Mississippi.

Choctaw MCR 5093

Ellis Hickman

MCR 5093

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Ellis Hickman, et  
al., for identification as Mississippi Choctaws, M.C.R. 5093.

-----o-----

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--- 0 ---

In the matter of the application of Ellis Hickman, et al., for identification as Mississippi Choctaws, M.C.R. 5093.

--- I N D E X ---

	(Page)
Original application of Ellis Hickman, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Decision of the Commission identifying above applicants...	7

--- 0 ---

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Seale, Mississippi, March 26, 1902.

In the matter of the application of Ellis Hickman for the identification of himself, his wife, Susan, and three minor children, Elsie, Ida and Maggie, and minor step-child, Johnkin, as Mississippi Choctaws.

Ellis Hickman, 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 Ellis Hickman.  
Q How old are you, Ellis? A I don't know.  
Q About how old - give us an idea? A About thirty five.  
✓ Q Are you a full blood Choctaw Indian? A Yes.  
Q What's your post office address? A Coffadelliah, Mississippi.  
Q Do you live in Neshoba County? A Yes.  
Q How long have you lived in Neshoba County? A I have lived in Neshoba County all my life, except about three years when I lived in Kemper County.  
✓ Q Is your father living? A No.  
✓ Q What was his name? A I don't know.  
Q Is your mother living? A No.  
✓ Q What was her name? A Mary.  
Q What other name did she have? A I don't know.  
✓ Q Was she a full blood Choctaw? A Yes.  
✓ Q Was your father? A Yes.  
✓ Q Do you know the names of any of your grand parents? A Father's father was Fil-a-mo-tubbee.  
Q How long has he been dead? A I don't know how long.  
✓ Q Was he a full blood Choctaw? A Yes.  
Q Did he live here in Mississippi all his life? A I think so.  
Q Do you know the names of any other of your Choctaw ancestors?  
A No, sir, I know my mother's sister - named Lucy.  
Q Did she have a Choctaw name? A Yes.  
Q What was her Choctaw name? A I can't think of it.  
Q So far as you know, have all of your ancestors lived here in Mississippi? A Yes.  
✓ Q And they have all been full blood Choctaws, have they? A Yes.  
Q Are you married? A Yes.  
Q Wife living? A Yes.  
Q Are you living with her? A Yes.  
✓ Q What's her name? A Susan.  
Q You want to give in her name too? A Yes.  
✓ Q Is she a full blood Choctaw? A Yes.  
Q About how old is she? A I don't know - about twenty seven.  
Q Were you married to anyone before you married Susan? A Yes.  
Q Is your first wife dead? A Yes.  
Q Did she die before you married Susan? A Yes.  
Q Did you have any children by your first wife? A No.  
Q Was Susan ever married before she married you? A Yes.



Ellis Hickman, et al., 2.

Q Did she have any children by her first husband? A Yes.  
How many? A One.  
Does that child live with your wife, or over with with its father? A Over at my house.  
Is Susan's father living? A No.  
What was his name? A Isaac, I believe.  
Did he have any Choctaw name? A No.  
Was Isaac a full blood Choctaw? A Yes.  
Did he live in Mississippi all his life? A Yes.  
Do you know the name of Isaac's father or mother? A No, don't know.  
Is your wife's mother living? A No.  
What was her name? A I don't know.  
Didn't you ever hear it? A No.  
Was she a full blood Choctaw? A Yes.  
Do you know the name of any of your wife's grand parents? A No.  
So far as you know, have all of your wife's ancestors been full blood Choctaws and lived here in Mississippi? A Yes, I think so.  
How many children have you living at this time? A Three.  
What are their names? A Elsie.  
How old? A About six.  
Next one? A Ida.  
How old is she? A About three.  
What's the name of the next one? A Maggie.  
About how old is she, Ellis? A Two years old next May.  
What's the name of Elsie's father? A All three of them are mine.  
They are all the children of yourself and Sasan? A Yes.  
Are they all living with you at this time? A Yes.  
Has your wife another child living there at your house? A Yes.  
What's his name? A Johnkin.  
How old is he? A Ten.  
Is his father living? A Yes.  
What's his name? A Jimpson.  
What other name has he? A Hickman.  
Is he a full blood Choctaw? A Yes, my brother.  
Then, your family consists of yourself, wife, three children, and one step-child; is that right? A Yes.  
Q Is your name, or your wife's name or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, I think not.  
Q Has any application of any kind ever been made for you, or your wife, or any one of these children, for the purpose of establishing your rights as Choctaw Indians? A No.  
Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaws lived here in Mississippi and 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

Ellis Hickman, et al., 3.

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 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 No.

If a Choctaw who lived here seventy one years ago, preferred to stay here in Mississippi, and not move out to the new nation west of the Mississippi River, he was ~~said~~ required by the terms of that 14th article to let the agent of the Government here in Mississippi for the Choctaws know he wanted to stay here, and he must do that within six months from the time the treaty was ratified; he was entitled then to a reservation of one section of six hundred and forty acres of land for himself, and for each child over ten years of age on the day the treaty was made, he was entitled to a reservation of three hundred and twenty acres, and for each child under ten years of age, a reservation of one hundred and sixty acres. The reservations of the children were required to adjoin the location of the parent. If the Indian then lived on that land for five years from the 24th day of February, 1831, the day the treaty was ratified, he was entitled to a grant in fee simple from the Government; that is, the Government would give him a deed or patent to the land, and the land became his to dispose of in any way he might see fit. These reservations made by the agent of the Government were required to include the improvement of the head of the family as it

Ellis Hickman, et al., 4.

existed on the day the treaty was made, September 27th, 1830. Now, the 14th article provided that persons who claimed under that article, that is who got land here in Mississippi, 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, moved 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 Choctaws by the Government under treaty provisions.

Q Is Jimpson Hickman your fullbrother? A Yes.

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

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, at that time, that you know of. 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 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 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 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 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 1838 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

Ellis Hickman, et al., 5.

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, 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 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, 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.

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 the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A I don't know of any one.

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.

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 Never did see or hear.

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

Q Have you any witnesses? A No.

If you should find any witnesses whose testimony you desire to have taken by the Commission they may appear before us at any one of our appointments here in Mississippi this 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.

Q How many brothers have you living? A Two; Jim and Madison Hickman, sometimes called Madison Ellis.

Q Have you any sisters living? A No.

Ellis Hickman, et al., 6.

- Q Have you any sisters dead who left children? A No.  
Q Any brothers dead who left children? A No.  
Q Any of your wife's brothers or sisters living? A No.  
Q Any of the children of any of your wife's brothers or sisters living? A No.  
Q Are any of your father's brothers or sisters, or any of their children living? A No.  
Q Are any of your mother's brothers or sisters, or any of their children or grand children living? A No.  
Q Any of your wife's father's brothers or sister, or any of their children or grand children living? A No.  
Q Any of your wife's mother's brothers or sisters or any of their children or grand children living? A No.

(This applicant has the appearance of being a full blood Indian. He speaks the Choctaw language and some English, the examination having been conducted chiefly through a sworn Choctaw interpreter.)

stated. 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 26th day of March 1902, at Seale, 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 Toles, Mississippi, this 8th day of April, 1902.

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

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Copy*

-----o-----

In the matter of the application of Ellis Hickman, et al., for identification as Mississippi Choctaws, M.C.R.5093.

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 March 26, 1902, by Ellis Hickman for himself, his wife Susan Hickman, his three minor children Elsie, Ida and Maggie Hickman, and his minor step-child Johnikin Hickman under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.

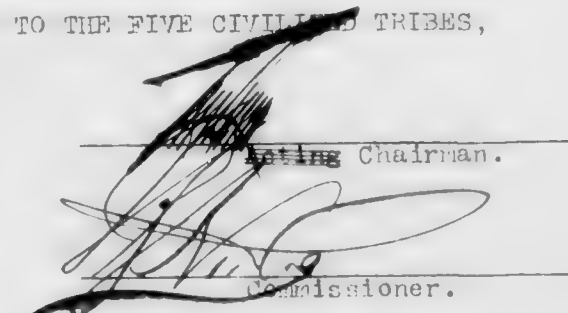
Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1,

1902 (32 Stats., 641) and ratified by the Choctaw and Chickasaw Nations september 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Ellis Hickman, Susan Hickman, Elsie Hickman, Ida Hickman, Maggie Hickman and Johnkin Hickman should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Acting Chairman.

Commissioner.

Muskogee, Indian Territory,

  
Commissioner

APR 17 1903

  
Commissioner

COPY.

H.G.R. 5093.

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 Ellis Hickman, his wife, Susan Hickman, his minor children, Elsie Hickman, Ida Hickman, and Maggie Hickman, and his step-son, Johnikin Hickman, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Ellis Hickman, his wife, children and step-son 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.

Registered.  
Enc.: 5093.

Respectfully,

(SIGNED):

*Tame Bixby.*

Chairman.



K.G.R. 5093.

COPY.

Muskogee, Indian Territory, May 4, 1903.

Ellis Hickman,

Goffadeliah, 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, Susan Hickman, your minor children, Elsie Hickman, Ida Hickman, Maggie Hickman and your step-child, Johnkin Hickman as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 841).

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)

*Tamc Bixby.*

Chairman.

Registered.

Enc. 5093.

For Identification as a Mississippi Choctaw.

Seale, Miss. Date

May 19 1902

Name *Ellis Hickman*

Age *35* Blood *full*

Post Office, *Coffadee, Miss.*

Father: *don't know* d

Mother: *Mary* d

Father: *Fil-a-mo-tubee*

Claims through *both parents.*

Wife *Susan Hickman (full)* 27 d

Father *Isaac-*

Mother *- don't know -* d

For self, wife, 3 children

Children:

*Elsie Hickman* 6

*Ida* " 3

*Maggie* " 1

*Johnkin Hickman* 10

Father *Jimson Hickman* 2

Stenographer

*R. J. Strick*

Choctaw MCR 5094

Hudson Joe

MCR 5094

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The within record is in the matter of  
the application of Hudson Joe for identification as a Mississippi  
Choctaw, M.C.R. 5094

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Hudson Joe for  
identification as a Mississippi Choctaw, H.C.R. 5094

I N D E X

	Page
Original application of Hudson Joe to the Dawes Commission for identification as a Mississippi Choctaw	1
Decision of the Commission identifying Hudson Joe as a Mississippi Choctaw	5

5094

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Seale, Mississippi, March 26th, 1902.

In the matter of the application of Hudson Joe for identification as a Mississippi Choctaw.

Said Hudson Joe, being first duly sworn, testified as follows:  
(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Hudson Joe.  
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 Coffadeliyah.  
Q Do you live in Neshoba County, Mississippi? A Yes.  
Q How long have you lived in Neshoba? A All my life.  
✓ Q Is your father living? A Yes.  
✓ Q What's his name? A Langley Joe.  
✓ Q Is he a full blood Choctaw? A Yes.  
Q Has he lived here in Mississippi all his life? A Yes.  
Q Has he a Choctaw name? A No.  
Q Do you know the name of his father or his mother? A I don't know either one of them.  
✓ Q Is your mother living? A Yes.  
Q What's her name? A Emily.  
✓ Q Is she a full blood Choctaw? A Yes.  
Q Has she always lived in Mississippi? A Yes.  
Q Has she a Choctaw name? A I don't know.  
Q About how old is she? A About fifty.  
Q About how old is your father? A About fifty-five.  
Q Do you know the name of your mother's father or her mother? A  
✓ Tah-nah-pah-yah was her father's name.  
Q Is he living? A No.  
Q Do you know the name of your mother's mother? A I don't know.  
Q Have you given all the names of all of your ancestors whose names you know? A Yes.  
✓ Q Have your ancestors, all of them, been full blood Choctaws? A Yes.  
Q Are you married? A No.  
Q Have you ever been married? A No.  
Q Is anyone living with you? A No, by myself.  
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 for the purpose of establishing your rights as a Choctaw Indian? A No.  
Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes.  
Q You have heard it explained this afternoon to the applicant Ellis Hickman, have you not? A Yes.  
Q You heard his examination in full, did you not? A Yes.  
Q 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 thereunder? A I don't know.

Hudson Joe--2

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 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? 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 never heard if they did.

Q Did you ever hear of any of your people ever having gotten any land or any money from the Government of the United States? A Never heard.

Q Did any of them ever live in Indian Territory? 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 in Mississippi 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 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.

An act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had

Hudson Joe--3

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 receive any of this scrip from the Government of the United States under this act of Congress? A I don't know if 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 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.

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, never see or heard.

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 of our appointments here in Mississippi this Spring, including the one 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.

Q Have you any brothers living? A One brother and one sister.

Q What are their names? A Johnnie.

Q About how old is Johnnie? A About sixteen.

Q Next one? A Edna.

Q How old is she? A Eighteen.

Q Are they both living with their parents? A Yes.

Q Full brother and sister of yours? A Yes.

Q Are any of your father's brothers living? A No.

Q Are any of your father's sisters living? A One living.

Q What's her name? A Mary Frazier, the widow of Farbis Frazier.

Q Is she a full sister of your father? A Yes.

Q Has your father any sisters dead who left children? A No.

Q Has your mother any brothers living? A One living.

Q What's his name? A Tishomingo.

Q Has he any other name? A That's all--he used to live in Kemper.

Q Has your mother any other brothers living? A No.

Q Has your mother any brothers dead who left children? A No.

Q Has your mother any sisters living? A No.

Q Any sisters dead who left children? A No.



Hudson Joe--4

This applicant has the appearance of being a full blood-- speaks and understands the Choctaw language and very little English, the examination having been conducted chiefly 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 Seale, Mississippi, March 26th, 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 4th day of April, 1902,  
at Seale, Mississippi.

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

By *[Signature]*

Deputy.

*cow*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Hudson Joe for  
identification as a Mississippi Choctaw, M.C.R. 5094

----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 March 26, 1902, by Hudson Joe 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 Hudson Joe should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Acting Chairman

  
Commissioner

  
Commissioner

Mustache, Indian Territory

SEP 14 1902

COPY

Muskogee, Indian Territory, February 22, 1903.

Mansfield, McMurray & Company,

Attorneys for the ~~applicant~~ and ~~Mississippi Choctaw~~ Indians,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Hudson Joe, 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 Hudson Joe, 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,

Registered.  
Enc. IRS. 12

Acting Chairman.

M.C.R. 5094.

COPY.

Muskogee, Indian Territory, March 11, 1903.

Hudson Joe,  
Coffadeliah, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 2, 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,

Yours truly,

*Tame Bixby.*  
Chairman.

Registered.

No. 5094.

#1926

5094

No.

For Identification as a Mississippi Choctaw.

Seale, Miss. <sup>Date</sup>

MINI

Name Hudson Joe

Age 25 Blood full

Post Office Coffadeliak, Miss.

Father: Langley Joe

Mother: Emily

L  
L

Claims through

For self only

Children:

Parents <sup>Father</sup> ~~Mother~~ Tab nah-pah-yah d

Stenographer

J. S. Niles

Hudson Jrs.

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1966

Choctaw MCR 5095

Isom Thompson.

See MCR 5096

MCR 5095



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

-oOo-

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

Isom Thompson, et al.,           M.C.R. 5095  
Jennie Thompson,                M.C.R. 5096

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

	(Page)
Original application of Isom Thompson, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Original application of Jennie Thompson to the Dawes Commission for identification as a Mississippi Choctaw-----	7
Decision of the Commission refusing the ap- plications in the above case as Mississippi Choctaws-----	9

-oOo-

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Seale, Mississippi, March 27th, 1908.

In the matter of the application of Isom Thompson for the identification of himself, his wife Malinda and five minor children, Savell, John Hunter, Mose Falton, Winnie and Tennie Falton Thompson, as Mississippi Choctaws.

Said Isom Thompson, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Isom Thompson.  
Q How old are you? A About thirty-five I reckon.  
Q How much Choctaw blood have you? A I don't know--my granddaddy's a white man.  
Q You are three-fourths Choctaw, then? A Yes.  
Q What's your postoffice address? A North Bend.  
Q Do you live in Neshoba County? A Yes.  
Q How long have you lived in Neshoba? A I lived here since I was little boy.  
Q Were you born here? A Yes, I was born up in Noxubee but came here when I was a child.  
Q Is your father living? A Dead.  
Q What was his name? A John Thompson.  
Q How long has he been dead? A About thirty years I reckon.  
Q About how old was he when he died? A About sixty years old.  
Q Did he live here in this State all his life? A Yes.  
Q He was half blood Choctaw, was he? A No sir, full blood.  
Q Did he have a Choctaw name too? A No.  
Q Do you know the name of John's father? A No.  
Q Or his mother? A No.  
Q So far as you know, have all of the ancestors of John Thompson always lived here in Mississippi? A Yes.  
Q Is your mother living? A Yes.  
Q What's her name? A Jennie Hickman.  
Q Did she marry a man by the name of Hickman, later? A No, that's what they always called her but her name is Jennie Thompson.  
Q She is one-half Choctaw, is she? A Yes.  
Q Half white? A Yes.  
Q About how old is she? A About fifty years old I reckon.  
Q Has she lived here in Mississippi all her life? A Yes.  
Q Who does she live with now? A With me now.  
Q Is she an invalid or is she able to go about? A She don't go about--she stays at house.  
Q Is she sick? A Yes.  
Q Is your mother's mother living? A No, dead.  
Q What was her name? A I done forget that old woman's name--she went off up here close by Indian Territory, somewhere there,--she died there.  
Q You cant remember her name? A No.  
Q When did she go to Indian Territory? A When I was little boy--I reckon about twenty-nine years ago.  
Q Never did come back here to Mississippi? A No.  
Q She was a full blood Choctaw? A Yes.

Isom Thompson et al--2

- Q Has your mother a Choctaw name? A Yes-just call her Jennie.  
Q That's all? A Yes.  
Q What was the name of your mother's father? A Sam Hickman.  
Q He was a white man? A Yes.  
Q Are you married? A Yes.  
Q Is your wife living? A Yes.  
Q Are you living with her? A Yes.  
Q What's her name? A Malinda--Indian call her Ho-tuna.  
Q How old is your wife? A About twenty-eight I spect.  
Q Is she a full blood Choctaw? A Yes.  
Q Were you married to her under a license or according to Choctaw custom? A Like Choctaw.  
Q How long have you been living with her? A About eighteen years I reckon--we married pretty young.  
Q You don't remember the year you began living with her? A No.  
Q Has she lived in Mississippi all her life? A Yes.  
Q Is her father living? A No, he's dead.  
Q What was his name? A Indian call him Co-no-co-tubbee.  
Q How old would he be if he were living now? A I don't know- he been dead a long time.  
Q Did you ever see him? A No.  
Q Was he a full blood Choctaw? A Yes.  
Q Did he live here in Mississippi all his life? A Yes, all the time.  
Q Do you know the name of his father or his mother? A Yes, his father's name Charlie Hontubbee.  
Q Is he dead? A Yes.  
Q How long has he been dead? A About a month I reckon.  
Q Did Charlie live here in Mississippi all his life? A Yes.  
Q Full blood Choctaw? A Yes.  
Q Do you know the name of your wife's father's mother? A No, been dead long time.  
Q Is your wife's mother living? A Yes.  
Q What's her name? A Martha.  
Q Martha what? A I don't know besides that-she's the wife of Allison Thompson.  
Q Is Martha a full blood? A Her mother's mother was half.  
Q That would make her seven-eighths, wouldn't it? A Yes.  
Q Do you know the name of Martha's father? A No.  
Q Or her mother? A No, I don't know.  
Q Martha has lived here in Mississippi all her life, has she? A Yes.  
Q Have you any children living? A Yes.  
Q How many? A Five.  
Q What are their names and ages, the oldest first? A Little boy, Savell.  
Q How old is he? A About twelve years old I reckon.  
Q Next one? A About seven years old.  
Q What's the name? A John Hunter.  
Q Next one? A About four years old.  
Q Name? A Mose Fulton.  
Q Next one? A Winnie, a gal.  
Q How old? A About three years old.  
Q Next one? A About three months old I reckon.  
Q What's its name? A Aint got no name--name it Tommie Fulton.

Isom Thompson et al--3

Q Is that all your children? A Yes.

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

Q Are they the children of yourself and Malinda--all of them? A Yes.

Q Is your name or your wife's name or the name of any one of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No.

Q Has any application of any description ever been made before today for you or your wife or any of these children? A No.

Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A No, I heard him a little bit.

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 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 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 of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter 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 claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand it now? A Yes.

Isom Thompson et al--4

Q Did any of your ancestors or any of your wife's 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 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 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 No, if they did I never heard 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 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-I don't know.

Q Did any of your people or any of your wife's people ever get any land from the Government? A If they get any land, 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 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 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 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 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 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.

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 the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No-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.

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

Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of your wife's ancestors covering land here in Mississippi received from the Government? A No, never see or heard.

Q Have you 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 of our appointments here in Mississippi this Spring, including the one at Meridian between April 14th and 30th next, or within a reasonable time at the general office of the Commission in Muskegee, 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 No brothers and no sisters living--there was one sister but she died.

Q Have you any brothers dead who left children? A Never did have no brothers; just had one sister.

Q Did she leave any children? A No.

Q Are any of your father's brothers or sisters or any of their children living? A No, none living.

Q Are any of the grandchildren of any of your father's brothers or sisters living? A No.

Q Are any of your wife's brothers or sisters living? A One brother living.

Q What's his name? A Simon Thompson.

Q Is that all the brothers or sisters she has living? A She has three sisters living.

Ison Thompson et al--6

- Q What are their names? A One is Mollie Frazier, the wife of Echol Frazier.
- Q What's the name of the next sister? A Hortense Stewart.
- Q What's her husband's name? A Austin Stewart.
- Q Where do they live? A Live out here with Mr. Ben Stewart; about a mile and three-quarters from here.
- Q Have they any children living? A No, just married not long ago.
- Q How old a man is Stewart? A I reckon about twenty-five.
- Q Is he a full blood? A Yes.
- Q How old is Hortense? A About eighteen.
- Q She is seven-eighths Choctaw, is she? A Yes.
- Q What's the name of your wife's other sister? A Nina.
- Q Is she married? A No, little girl.
- Q About how old is she? A About eleven years old I reckon.
- Q Has your wife's father any brothers living? A No.
- Q Any sisters? A No.
- Q Was he any brothers or sisters dead who left children? A No.
- Q Has your wife's mother any brothers or sisters living? A No.
- Q Any brothers or sisters dead who left children? A No.

This applicant has the appearance of being possessed of fully as much Indian blood as is claimed by him; he speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially 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 Seale, Mississippi, March 27th, 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 4th day of April, 1902, at Seale, Mississippi.

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

By *M. M. M.*

Deputy.

COPY!

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

-oOo-

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

Isom Thompson, et al.,	M.C.R. 5095
Jennie Thompson,	M.C.R. 5096

---: 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 Isom Thompson for himself, his wife, Malinda Thompson, and his  
five minor children, Savell, John Hunter, Mose Fulton, Winnie and  
Tomie Fulton Thompson, and by Isom Thompson for his mother, Jennie  
Thompson, under the following provision of the act of Congress ap-  
proved June 28, 1898 (30 Stats., 495):

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

It also appears that all the applicants herein except



the principal applicant in M.C.R. 5095 and the applicant in M.C.R. 5096 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 Charlie Hontubbee, who is alleged to have been a full-blood Choctaw Indian, and Martha Thompson, who is alleged to have been a seven-eighths blood Choctaw Indian.

The record herein shows that the principal applicant in M.C.R. 5095 and the applicant in M.C.R. 5096 are too young to have been living in eighteen hundred and thirty, and they fail to show the name of a Choctaw ancestor through whom they claim, who was living in eighteen hundred and thirty. It is therefore impossible for this Commission to determine whether or not the ancestors of said applicants were beneficiaries under article fourteen of the treaty of eighteen hundred and thirty. Although they have had more than two years in which to secure evidence tending to show who said ancestors were, they have not offered to submit such additional proof.

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), nor are any of the applicants herein parties litigant before the Choctaw-Chickasaw Citizenship Court created under the act of Congress approved July 1, 1902 (32

Stats., 641).

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 Charlie Hontubbee, or Martha Thompson, 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 Isaac Thompson, Malinda Thompson, Savell Thompson, John Hunter Thompson, Mose Fulton Thompson, Winnie Thompson, Tommie Fulton Thompson and Jennie Thompson, 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.

(SIGNED)

*James Eixby.*

Chairman.

(SIGNED)

*T. B. Noddles.*

Commissioner.

(SIGNED)

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

SEP 1 1881

M.C.R. 8095

COPY.

Muskogee, Indian Territory, September 13, 1904

Isom Thompson,

North Bend, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 13, 1904, rendered its decision, refusing the application for identification as Mississippi Choctaws of yourself, and wife, Malinda Thompson, and your minor children, Bayell Thompson, John Hunter Thompson, Mose Fulton Thompson, Winnie Thompson and Tommie Fulton Thompson.

You are further notified that applicants 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)

*Tams Bixby.*

Chairman.

registered.

W.C.R. 1095

COPY

Muskogee, Indian Territory, September 13, 1904.

Hansfield, 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 September 13, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ison Thompson et al.

You are further advised that the applicants herein 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)

*Jame Bixby.*

Chairman.

Incl. MCR 5095.

M.C.A. 2095

**COPY**

Muskogee, Indian Territory, September 13, 1904

Jennie Thompson,  
North Bend, Mississippi.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 13, 1904, rendered its decision refusing your application for identification as a Mississippi Choctaw.

You are further notified that you will be allowed fifteen days from the date 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 Bibby.*  
Chairman.

Registered.

K C R 2000

Muskogee, Indian Territory, October 1, 1904.

The Honorable,  
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Isom Thompson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of September 13, 1904.

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

Respectfully,

Through the  
Commissioner of Indian Affairs.

Chairman.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON      October 18, 1904.

Land.  
89757-1904.

The Honorable,

The Secretary of the Interior:

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated October 1, 1904, transmitting the record of the consolidated applications for identification as Mississippi Choctaws by Isom Thompson for himself, his wife, Malinda Thompson, and his five minor children, Savell, John Hunter, Mose Fulton, Winnie and Tommie Fulton Thompson, and by Isom Thompson for his mother, Jennie Thompson.

September 13, 1904, the Commission decided adversely to all the applicants.

The record shows that the applicants, Isom Thompson, and Jennie Thompson claim rights in the Choctaw lands under Article 14 of the Treaty of Dancing Rabbit Creek by reason of being descendants of Charlie Hontubbee, who is alleged to have been a full-blood Choctaw Indian, and Martha Thompson, who is alleged to have been a seven-eighths blood Choctaw Indian.

It appears from the record and the records of this office that none of the applicants has ever been recognized, enrolled or admitted to citizenship by the tribal authorities of the Choctaw

2--

Nation or by any tribunal of the United States.

It does not appear from the evidence or the records of this office relating to persons who complied or attempted to comply with the provisions of Article 14 of the Treaty of Dancing Rabbit Creek, and to persons who were heretofore claimants thereunder, that Charlie Hentubbse, or Martha Thompson, or an ancestor less remote, signified in person or by proxy to any person an intention to comply with the provisions of said Article 14 or presented a claim to rights by reason thereof, or of subsequent legislation thereunder.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very Respectfully,

M.M.M.  
W.

A.C. Tonner,  
Acting Commissioner.



DEPARTMENT OF THE INTERIOR

Y.P.

FHE

D.C. 41883-1904.  
I.T.D. 10750-1904.

WASHINGTON

October 26, 1904.

L.R.S.

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

Gentlemen:

October 1, 1904, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws of Isom Thompson, for himself, his wife, Malinda Thompson, and his five minor children, Savell, John Hunter, Mose Fulton, Winnie and Tommie Fulton Thompson, and of Isom Thompson for his mother, Jennie Thompson, including your decision of September 13, 1904, which was adverse to the applicants.

Reporting in the matter October 18, 1904, the Acting Commission 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.

M.C.R. 5095

COPY

Muskogee, Indian Territory, November 7, 1904.

Isom Thompson,  
North Bend, Mississippi,

Dear Sir:

You are hereby notified that on the 26th day of October, 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 Isom Thompson et al., of which decision you were advised by registered mail on the 13th day of September, 1904.

Respectfully,

(SIGNED)

*James Birney*  
Chairman.

M.C.R. 5095

COPY.

Muskogee, Indian Territory, November 7, 1904.

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

Gentlemen:

You are hereby notified that on the 26th day of October, 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 Isom Thompson et al., a copy of which decision was mailed you on the 13th day of September, 1904.

Respectfully,

(SIGNED)

*James Dixby*

Chairman.

W.O.B.

COMMISSIONERS:  
TAMM BERRY,  
THOMAS B. NEEDLES,  
C. E. BRACKENRIDGE.  
—  
WM. O. BEALL,  
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:  
M.C.R. 8095

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

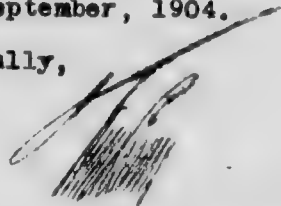
Muskogee, Indian Territory, November 7, 1904.

Isom Thompson,  
North Bend, Mississippi,

Dear Sir:

You are hereby notified that on the 26th day of October, 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 Isom Thompson et al., of which decision you were advised by registered mail on the 13th day of September, 1904.

Respectfully,



Chairman.

Isom Thompson <sup>35</sup> + 5095

<sup>96</sup>  
John Thompson 4/4

James Thompson ~~my~~ ~~scholarship~~ }  
2

for  
Nye Malinda <sup>28</sup> { co-no cotubber 4/4 } { Charles Cotubber 4/4 }  
1 { Martha 7/8 }  
and several

Saulle

John Hunter

Miss Fulton

Anna

Tommy Fulton

1927

No. 5095

For Identification as a Mississippi Choctaw.

Seales, Miss. Date

MAR 27 1902

Name *Isom Thompson*

Age *35* Blood *3/4*

Post Office, *North Bend, Miss.*

Father: *John Thompson d*

Mother: *Jennie " (1/2) d*

Claims through *both parents*

wife: *Malinda Thompson (full) 28*

Father *Co-na-co-tubbee*

Mother *Mattha Thompson (7/8) d*

*In self wife and 5 children*

Children:

*Savell Thompson (m) 12*

*John Hunter " 7*

*Mose Fulton " 4*

*Winnie " 3*

*Tommié Fulton. " 3 mo*

*copy of father's father Charley Hontubbee d*

Stenographer

*J. J. Niles*

PHILADELPHIA  
MAR 30 5 PM 1905  
RECD. MISS.

PHILADELPHIA  
MAR 30 1905

**FILED**  
**APR -3 1905**  
COMMISSION TO FIVE

NEWTON  
NOV 18 1904  
RECD.

NEWTON  
NOV 18 1904  
RECD.

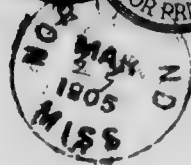
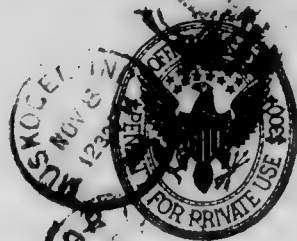
NEWTON  
NOV 18 1904  
RECD.

NEWTON  
NOV 18 1904  
RECD.

Department of the Interior:

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

*Return to*  
5095



*not called for*

~~Isam Thompson,~~

~~North Bend, Mississippi.~~



Choctaw MCR 5096

Jennie Thompson .

by

Ison Thompson

See MCR 5095

MCR 5096

5096

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Seale, Mississippi, March 27th, 1902.

In the matter of the application of Jennie Thompson for identification as a Mississippi Choctaw, represented by her son Isom Thompson.

Said Isom Thompson, being first duly sworn, testified as follows:  
(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Isom Thompson.  
Q How old are you? A About thirty-five I reckon.  
Q How much Choctaw blood have you? A I don't know-my granddaddy's a white man.  
Q You are three-fourths Choctaw, then? A Yes.  
Q What's your postoffice address? A North Bend.  
Q Do you live in Neshoba County? A Yes.  
Q Is your mother living? A Yes.  
Q What's her name? A Jennie Thompson.  
Q About how old is she? A About fifty I reckon.  
Q How much Choctaw blood has she? A Half.  
Q Is she living with you? A Yes.  
Q How long has she been living in your family? A She's been living with me always--I've always stayed with her.  
Q Is she an invalid? A Yes.  
Q What's her postoffice address? A North Bend.  
Q Was she lived here in Mississippi all her life? A Yes.  
Q Has she a Choctaw name? A I don't know.  
Q Does she speak and understand the Choctaw language? A Yes, she don't know English but very little.  
Q Is your mother's father living? A No.  
Q What was his name? A Sam Hickman.  
Q A white man? A Yes.  
Q Is your mother's mother living? A No, dead.  
Q What was her name? A I don't know.  
Q Was she a full blood Choctaw? A Yes.  
Q Did you ever see her? A No.  
Q Did she live here in Mississippi all her life? A No, she went to the Territory and died out there--that's what I heard.  
Q When did she go to the Territory? A She went out there when I was a little boy about five or six years old.  
Q Do you know the name of her father or her mother? A No.  
Q Is your mother married at this time? A No.  
Q Has she any minor children living with her? A No.

Special reference is hereby made to the testimony of Isom Thompson, given before the Commission on this date in support of an application for himself and family. His mother is, according to his statement, an invalid and on account of the extreme high water it would hardly be possible for her to reach the office of the Commission; it is therefore deemed proper to make the above record of an application in her behalf. She is a half blood Choctaw

Jennie Thompson --2

and associates entirely with the Indians. She speaks and understands the Choctaw language and very little English. Her habits and customs are those of a full blood Indian.

-----

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 Seale, Mississippi, March 27th, 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 4th day of April, 1902,  
at Seale, Mississippi.

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

By

*J. M. W.*

Deputy.

11508B

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

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

REFER IN REPLY TO THE FOLLOWING

M C R 5096

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory, December 31, 1903.

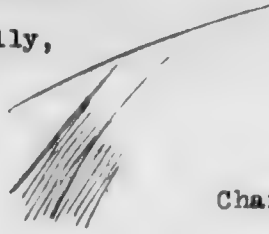
H. Van V. Smith,  
Special Agent of the Government,  
Meridian, Mississippi.

Dear Sir.

There is enclosed you herewith one copy of the testimony of Isom Thompson, in the matter of the application of Jennie Thompson, for identification as a Mississippi Choctaw.

This application was made on information furnished by her son, Isom Thompson, who failed to state either in his own application or in that of his mother's, the names of any of her ancestors, and you are directed, if possible, to secure from Jennie Thompson, or some other person, or persons, who have knowledge of this applicant, an affidavit, deposition or such other testimony relative thereto. If you are able to secure this evidence please return the same, together with the record in the case, at the earliest practicable date in order that a decision may be prepared.

Respectfully,



Chairman.

Enc. 5096

Meridian, Mississippi, January 5, 1904.

Jennie Thompson,

North Bend, Mississippi.

Dear Madam-

It appears from the records of the Commission that on March 27, 1902, application was made for your identification as a Mississippi Choctaw.

I now have these records in my possession, and in order that a decision in your case may be prepared 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 a Mississippi Choctaw.

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 when you will come to Meridian for the purpose of giving testimony in your case. You will find me at the Federal Building between 8 a.m. and 6 p.m.

Very respectfully,

Special Agent.

W.C.S.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. E. BRACKINRIDGE.

WM. O. BRALL,  
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:
M.C.R. 5096

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

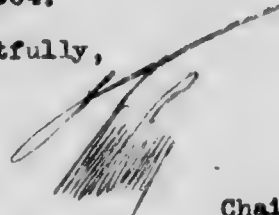
Muskegee, Indian Territory, November 7, 1904.

Jennie Thompson,  
North Bend, Mississippi,

Dear Madam:

You are hereby notified that on the 26th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for your identification as a Mississippi Choctaw, included in the consolidated case of Ison Thompson, et al., of which decision you were advised by registered mail on the 13th day of September, 1904.

Respectfully,



Chairman.

#1928

No. 5096

For Identification as a Mississippi Choctaw.

Seale, Miss.

Date

MAR 27 1902

Name Jennie Thompson

by Igom Thompson

Age 50

Blood  $\frac{1}{2}$

Post Office, North Bend, Miss.

Father: Sam Hickman (white) d

Mother: dont know - d

Claims through mother

for self only.

Children:

Stenographer

J. S. Niles

PHILADELPHIA  
RECD.  
APR 2 1905  
5 PM  
MISS.

PAID  
APR - 2 1905  
COMMISSION TO THE TRIBES.

PHILADELPHIA  
APR 2 1905

PHILADELPHIA  
APR 2 1905

NEWTON  
APR 2 1905  
MISS.

NEWTON  
APR 2 1905  
MISS.



Department of the Interior.  
Commission to the Five Civilized Tribes,  
MUSKOCOE, IND. TER.

NORTH BEND  
MAR  
26  
1905  
MISS



*Return to  
5096*

~~Jennie Thompson,~~

North Bend, Mississippi.

*not collect from*

Choctaw MCR 5097

Alex Jackson

MCR 5097

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of  
the application of Alex Jackson et al., for identification as  
Mississippi Choctaws,  
M.C.R. 5097

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Alex Jackson, et al., for identification as Mississippi Choctaws, M.C.R. 5097

I N D E X

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

5097

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Seale, Mississippi, March 27th, 1902.

In the matter of the application of Alex Jackson for the identification of himself and five minor children, Solomon, Fannie, Franklin, Senie and Caway, as Mississippi Choctaws.

Said Alex Jackson, being first duly sworn, testified as follows:

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Alex Jackson.
- Q How old are you? A I don't know.
- Q About how old? A About forty.
- Q How much Choctaw blood have you? A Full blood.
- Q What's your postoffice address? A Coffadelliah.
- Q Do you live in Neshoba County? A Yes.
- Q How long have you lived in Neshoba County? A Been here about sixteen years.
- Q Where did you live before you came to Neshoba? A Kemper.
- Q All your life? A Yes.
- Q Is your father living? A ~~Yes~~ No.
- Q What was his name? A I don't know.
- Q How long has he been dead? A Never did see him--I heard he died when I was little chap.
- Q Do you now the name of his father or his mother? A No.
- Q Is your mother living? A No.
- Q What was her name? A I don't know her name--she died when I was little chap.
- Q Do you know the name of her father or mother? A No.
- Q Do you know the name of any one of your ancestors? A I don't know.
- Q So far as you know, have all of your ancestors always lived here in Mississippi? A Yes, I reckon so.
- Q Have all of them been full blood Indians? A yes.
- Q Are you married? A I was married but my wife died.
- Q Were you married more than once? A Married twice but both died.
- Q Did you have any children by your first wife? A yes, three.
- Q Any by your second wife? A yes.
- Q How many? A Two.
- Q You then have five children living, have you? A Yes.
- Q What are their names and ages, the oldest first? A Solomon.
- Q How old is he? A About eighteen.
- Q What's the name of the next one? A Fannie, about fourteen.
- Q Next one? A Franklin, about twelve.
- Q These three are children by your first wife, are they? A yes.
- Q What was her name? A Mary.
- Q Was she a full blood Choctaw? A yes.
- Q Did she live here in Mississippi all her life? A yes.
- Q Was she older or younger than you? A About the same age, I reckon.
- Q How long after her death was it you married a second time? A About one year.
- Q Is Mary's father living? A No.
- Q What was his name? A I don't know.
- 1

- Q Is Mary's mother living? A yes.
- Q What's her name? A Lisby.
- Q Where does she live? A About a mile from this camp.
- Q What's her other name? A Bishy Labin.
- Q Has Lisby any children living with her? A One.
- Q What's his name? A Ben.
- Q What's the name of your next child? A Sonie.
- Q Is that a boy or girl? A Girl.
- Q How old is she? A About five years old.
- Q Next one? A Caway.
- Q Is that a boy or girl? A Boy.
- Q How old? A About four.
- Q What's the name of the mother of these two children? A Callie.
- Q Was she a full blood Choctaw? A yes.
- Q Did she live here in Mississippi all her life? A Yes.
- Q Is her father living? A yes.
- Q What's his name? A Teach Jacob.
- Q Is Callie's mother living? A Yes.
- Q What's her name? A Mary Jacob.
- Q Is Mary a full blood too? A Yes.
- Q Have Teach and Mary always lived in Mississippi? A Yes.
- Q Do you know the names of any of Callie's grandparents? A No.
- Q Are these all the children you have in your family? A yes.
- Q Any old folks living with you? A No.
- Q Is your name or the name of anyone of these children to be found on any of the Choctaw Tribal rolls in Indian Territory? A I don't know.
- Q Has any application of any kind ever been made for you or any of these children before today for the purpose of establishing your rights as Choctaw Indians? A No.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes.
- Q You were present and heard the entire examination of Isom Thompson, did you not? A yes.
- Q Did any of your ancestors or any of the ancestors of either of your wives 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 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 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? A I don't know--never heard if they did.
- 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 land from the Government? A No.

Alex Jackson et al--3

Q Did any of your ancestors or any of the ancestors of either of your wives appear before any of the Commissioners appointed under the act of Congress approved March 3, 1837, or August 23, 1842, and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know--never heard.

This 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 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 the ancestors of either of your wives ever get any of this scrip from the Government under this act of Congress? A I don't know about that.

Q You never heard of their getting any, did you? A No.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of the ancestors of either of your wives 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 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.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of your wives' ancestors covering land here in Mississippi received from the Government of the United States?

A No, never see or heard.

Q Have you any written evidence of any kind to offer at this time?

A No.

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 at any of our appointments here in Mississippi this Spring, including the one 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? A No.

Q Have you any brothers living? A One, living.

Q What's his name? A Jacoway.

Q Where does he live? A In Kemper.

Q What other name has he? A Jacoway Frazier.

Q Have you any brothers dead who left children? A No.

Q Have you any sisters living? A No, never did have any.

Q Are any of your father's brothers or sisters or any of their children living? A I don't know.

Alex Jackson et al--4

Q Are any of your mother's brothers or sisters or any of their children living? A No.

Q How many brothers has your first wife? A Just one, Bob Labin.

Q Has she any brothers dead who left children? A No.

Q Has she any sisters living? A There was one but she's dead.

Q Did she leave children? A No.

Q Are any of your first wife's father's brothers or sisters or any of their children living? A No.

Q Are any of your first wife's mother's brothers or sisters or any of their children living? A I don't know.

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 partially in English and partially 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 Seale, Mississippi, March 27th, 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 5th day of April, 1902, at Seale, Mississippi.

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

By *[Signature]*

Deputy.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

*Card*

In the matter of the application of Alex Jackson,  
et al., for identification as Mississippi Choctaws, M.C.R. 5097.

----- 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 March 27, 1902, by Alex Jackson for himself and his five minor children, Solomon, Fannie, Franklin, Sonie and Caway Jackson, 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 Alex Jackson, Solomon Jackson, Fannie Jackson, Franklin Jackson, Sonie Jackson and Cayay Jackson 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.

K.C.R. 5097

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 Alex Jackson, and his minor children, Solomon Jackson, Fannie Jackson, Franklin Jackson, Sonie Jackson and Caway Jackson, 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 Alex Jackson 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.*

Registered.  
Enc. IRS. 13

Acting Chairman.

COPY.

M.C.R. 5097.

Muskogee, Indian Territory, March 11, 1903.

Alex Jackson,

Coffadelliah, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your five minor children, Solomon Jackson, Fannie Jackson, Franklin Jackson, Sonie Jackson and Gaway Jackson, as Mississippi Choctaw Indians under the provisions of section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

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

Respectfully,

(SIGNED)

*Jams Bixby.*

Chairman.

Registered.

Enc. M.C.R. 5097

#1929

No. 5037

# For Identification as a Mississippi Choctaw.

Seale, Miss. Date

MAR 27 1906

Name Alex Jackson

Age 40 Blood full

Post Office, Coffabelliah Miss

Father: dont know d

Mother: " " d

Claims through  
For self and children.

### Children:

- Solomon Jackson 18
- Fannie " 14
- Franklin " 12
- Mother Mary " (full) d
- Sonie " (1-) 5
- Caway " (M) 4
- Mother Callie " (full) d
- Father Teach Jacob " d
- Mother Mary " F

Stenographer

J. J. Niles

Alex Jackson, et al

1832/9

Choctaw MCR 5098

Madison Cousin

See MCR 5028

MCR 5098

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

---

Herein is the record in the matter of the application of  
Madison Cousin, et al., for identification as Mississippi Choc-  
taws, M.C.R.5098.



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

---

In the matter of the application of Madison Cousin, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5098.

I N D E X .

	page
Original application of Madison Cousin, et al., before the Dawes Commission for identification as Mississippi Choctaws,.....	1
Decision of the Commission identify- ing Madison Cousin as a Mississippi Choctaw,.....	6

5098

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Seale, Mississippi, March 28th, 1902.

In the matter of the application of Madison Cousin, for the identification of himself, his wife, Emily, and minor child, Georgie, as Mississippi Choctaws.

Madison Cousin, 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 Madison Cousin.  
Q How old are you Madison? A I don't know.  
Q About how old? A About twenty eight.  
Q How much Choctaw blood have you? A Full blood.  
Q What's your post office address? A Coffadelliah, Mississippi.  
Q Do you live in Neshoba County? A Yes.  
Q How long have you lived in Neshoba County? A Lived in Kemper until about fifteen years ago and moved to Neshoba.  
Q Is your father living? A No.  
Q What was his name? A Cousin. Choctaw name, On-tah-yubbee.  
Q How long has he been dead? A Six years.  
Q About how old was he when he died? A About fifty.  
Q Did he live in Mississippi all his life? A Yes.  
Q Is your father's father living? A No, dead.  
Q What was his name? A I don't know.  
Q Did he live in Mississippi all his life? A I think so.  
Q Is your father's mother living? A No.  
Q What was her name? A I don't know.  
Q Was she a full blood Choctaw? A yes.  
Q Did she live in Mississippi all her life? A Yes.  
Q Is your mother living? A Dead.  
Q What was her name? A Mary.  
Q Did she have a Choctaw name? A I-no-te-mah.  
Q Did she live in Mississippi all her life, did she? A Yes.  
Q About how long has she been dead? A Something over four years ago. I expect they were about the same age.  
Q Is her father living? A No.  
Q Is her mother living? A No.  
Q Do you know the name of either one of them? A No.  
Q Have you given us the name of all of your ancestors whose names you know? A My mother's brother's, that's one of my ancestors, name Bunnah.  
Q Is he living? A No  
Q Was he older or younger than your mother? A Younger than my mother.  
Q Are those all the names you know of your ancestors? A Yes.  
\* Q So far as you know, have all of your ancestors been full blood Indians? A Yes.  
Q Have they all lived here in Mississippi? A Yes.  
Q Are you married? A Yes.

Madison Cousin, et al., 2.

- Q Is your wife living? A Yes.  
Q What's her name? A Emily.  
Q Are you living with her at this time? A Yes.  
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 her? A Nearly two years.  
Q How much Choctaw blood has she? A Her father's half white and half Choctaw and her mother's a full blood Choctaw.  
Q How old is your wife? A Eighteen.  
Q Is her father living now? A Yes.  
Q What's her name? A Tom Clemmons.  
Q Is your wife's mother living? A Yes.  
Q What's her name? A Mimie.  
Q They live here in Neshoba County, do they, both of them? A Kemper County.  
Q Have all of your wife's ancestors always lived here in Mississippi, so far as you know? A I think so.  
Q Have you any children living? A Yes.  
Q How many? A One.  
Q What's that child's name? A Georgie.  
Q Is it a boy or girl? A Girl.  
Q How old is Georgie? A Little over six months old.  
Q That all the children that you have living in your ~~father~~ family?  
A Yes.  
Q Any old folks living in your family? A No.  
Q Is Georgie the child of yourself and Emily? A Yes.  
Q Is your name, or your wife's 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 to day for you or your wife for the purpose of establishing your rights as Choctaw Indians? A No.  
Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time 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 preferred to stay here in Mississippi and not move out 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

Madison Cousin, et al., 3.

do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter 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.

Q Did any of your ancestors, or any of your ancestors, who might have been living here seventy one years ago, when this treaty was made, do as that 14th article required a Choctaw to do, in case he wanted to take advantage of its provisions and stay here and take land and become citizens of the States? 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, if they did.

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 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?

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 your ancestors, or any of your wife's ancestors, ever having gotten any land here in Mississippi from the Government of the United States? A I don't know, if they did.

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

Madison Cousin, et al., 4.

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 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, 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 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, 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.

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 Don't know of any one.

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 don't know.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors, or any of your wife's ancestors, covering land here in Mississippi received from the Government? A Never did see one.

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

Q Have you any witnesses? A No.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us

Madison Cousin, et al., 5<sup>th</sup>.

at any one of our appointments here in Mississippi this 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.

Q Have you any brothers living? A Yes. Two.

Q What are their names? A Jim Hickman and Ellis Hickman.

Q How is it that your name is Cousin and your brother's name is Hickman? A White man was named Hickman, and gave my oldest brother name of Hickman, and this man left before I was born, and when I was born, I was just named after my father.

Q Are these two brothers your full brothers? A Yes.

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

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 28th day of March, 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 Toles, Mississippi, this 8th day of April, 1902.

*R. S. Streit*  
*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.

-----

In the matter of the application of Madison Cousin, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5098.

---: 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 March 28, 1902, by Madison Cousin for himself, his wife, Emily  
Cousin, and his minor child, Georgie Cousin, 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 the principal applicant is a full-blood Mississippi  
Choctaw Indian. All the other applicants are mixed-blood Choctaws,  
and whatever rights as Mississippi Choctaws they may possess by  
reason thereof will be determined at a later date.


Section forty-one of the act of Congress entitled "An Act  
to ratify and confirm an agreement with the Choctaw and Chickasaw

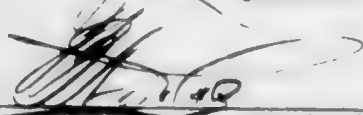
tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stat., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

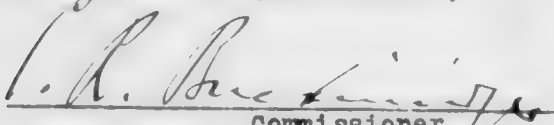
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

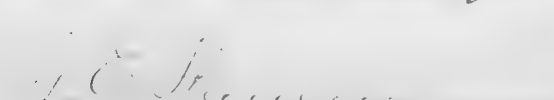
  
\_\_\_\_\_  
Chairman.

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

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

Muskogee, Indian Territory.

MAR 12 1904

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



M.C.R. 5098

COPY.

Muskogee, Indian Territory, March 16, 1904.

Madison Cousin,

Coffadelliah, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, identifying you 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 September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*J. H. Inokivridge.*

Commissioner in Charge.

Registered.

Enc. MCR 5098.

COPY.

M.C.R. 5098

Muskogee, Indian Territory, March 16, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 12, 1904, identifying Madison Cousin as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date of this notice in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Madison Cousin 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,

(SIGNED)

*C. H. Breckinridge.*

Commissioner in Charge.

Registered.

Enc. MCR 5098.

M.C.R. 5098

COPY.

Muskegee, Indian Territory, September 16, 1904.

Madison Cousin,  
Coffadelliah, 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 your wife, Emily Cousin, and minor daughter, Georgie Cousin.

You are further notified that the applicants herein 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)

*Tams Bixby.*  
Chairman.

Registered.

W. O. B.

COMMISSIONERS:  
TAMM HENRY,  
THOMAS B. HENDLER,  
C. E. BRACKENRIDGE,  
WM. O. SHALL,  
Secretary.

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

<p>ORDER IN REPLY TO THE FOLLOWING:</p> <p>M. C. R. 5098</p>
--

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 9, 1905.

Madison Cousin,  
Coffadelliah, Mississippi.

Dear Sir:

You are hereby notified that on the 13th day of January, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification of your wife, Emily Cousin, and minor daughter, Georgie Cousin, as Mississippi Choctaws, included in the consolidated case of Elan Bell et al., of which decision you were advised by registered mail on the 16th day of September, 1904.

Respectfully,



Chairman.

For Identification as a Mississippi Choctaw.

Seale, Miss

Date MAR 28 1902

Name Madison Cousin

Age 28 Blood full

Post Office, Coffaseliak, Miss.

Father: Cousin d

On-toh-yubbee

Mother: Mary Cousin d

I-ne-te-mah

Claims through

Emily Cousin (3/4) 18

Father Tom Clemmons (1/2)

Mother nimie " (Grand L)

For...

Children:

Georgie Cousin (F) 6 mo

Stenographer

R. S. Street

FILED  
JUN -3 1905  
PERMISSION TO FILE



TO THE  
ATTORNEY GENERAL  
WASHINGTON  
D. C.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



8605

Madison Cousin,

Coffadeliah, Mississippi.

3/13/1905

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

**FILED**

MAY 2 1904

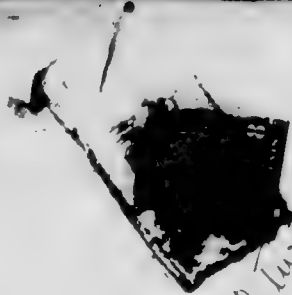
A handwritten signature in dark ink, appearing to be 'H. S. Gentry', written over the typed name.

CHAIRMAN



192713  
11/6/04

*Unclaimed*



*Returned to  
Writer*

Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Madison Cousin,

Coffadeliah, Mississippi.

APR 29 1904

RECEIVED  
MAR 21 1904  
MUSKOGEE, IND. TER.

Choctaw MCR 5099

Stewart Austin

MCR 5099

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The within record is in the matter  
of the application of Stewart Austin, et al., for identification as  
Mississippi Choctaws,  
H.C.R. 5099

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Stewart Austin,  
et al., for identification as Mississippi Choctaws, M.C.R. 5099

I N D E X

	Page
Original application of Stewart Austin et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Decision of the Commission identifying Stewart Austin et al., as Mississippi Choctaws	6

5099

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Seale, Mississippi, March 28, 1902.

In the matter of the application of Stewart Austin for the identification of himself and minor sister, Alice, as Mississippi Choctaws.

Stewart Austin, 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 Stewart Austin.  
Q How old are you? A Twenty one.  
Q Are you a full blood Choctaw? A Yes.  
Q What's your post office address? A Coffadeliah, Mississippi.  
Q Do you live in Newshoba County? A Yes.  
Q How long have you lived in Neshoba County? A All my life  
Q Is your father living? A No.  
Q What was his name? A Austin.  
Q Have any other name? A That's all I ever heard.  
Q Didn't he have a Choctaw name? A Never did hear Choctaw name.  
Q Was he a full blood Choctaw? A Yes.  
Q Live here in Mississippi all his life? A Yes.  
Q About how long ago was it that he died? A About eighteen years.  
Q About how old was he when he died? A Forty eight.  
Q Do you know the name of his father, or his mother? A I don't know.  
Q Is your mother living? A No.  
Q What was her name? A Sealy.  
Q How long has she been dead? A About six years.  
Q About how old was she when she died? A She was about sixty.  
Q Was she a full blood Choctaw? A Yes.  
Q Did she live here in Mississippi all her life? A Yes.  
Q Did she have a Choctaw name? A Yes, Pis-a-ho-le-mah.  
Q Do you know the name of her father or her mother? A No, don't know.  
Q Do you know the name of any other one of your ancestors, except those of your father and your mother? A Mother's brother, Elis.  
Q Is that all the name he had? A That's all I heard.  
Q Was he older or younger than your mother? A I don't know.  
Q Is that all the names you remember of your ancestors? A Mother's father's brother Choctaw name was Bun-nah.  
Q Was he older than your mother's father, or younger? A I think younger than mother's father.  
Q Can't you remember the name of your mother's father? A I don't know.  
Q Did your mother's father have any sisters? A I don't know.  
Q Do you know the name of Bun-nah's father or of his mother? A No.  
Q So far as you know, have all of your ancestors always lived here in Mississippi? A Yes.  
Q All of them been full blood Choctaws? A Yes.  
Q Are you married? A Yes.

Stewart Austin, et al., 2.

- Q Wife living? A Yes.  
Q What's her name? A Hortense.  
Q Are you living with her at this time? A Yes.  
Q How long have you been living with her? A I was married three weeks before this last Christmas.  
Q Is her father living? A Yes.  
Q What's his name? A Allison Thompson.  
Q Is her mother living? A Yes.  
Q What's her name? A Martha.  
Q Your wife's father appeared before the Commission at Meridian, last year, didn't he? A I think so.  
Q Give in your wife's name? A If he did, I don't know it.

(See Mississippi Choctaw Card, Field Number R-1888, as to Hortense, the wife of this applicant.) Her father made application in her behalf to the Commission at Meridian in 1901.)

- Q Were you ever married before? A No.  
Q Was your wife ever married before? 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 today for the purpose of establishing your rights as a Choctaw Indian? A No.  
Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes.  
Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article or ever receive any benefits under that article? A If they did, I never heard of 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 live here at that time? 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; nobody ever tells me anything about them things.  
Q Did any of them ever 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 Never heard.  
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 Never did tell me anything about getting any land, and people never told me anything about that.  
Q If any of your people ever got any land from the Government, you never heard of it? A Mother's brother Elis was living on place - they said got some land here at that time, and used to live on the place.  
Q Where is that land situated? A Out here about a mile, and a half.  
Q In Neshoba County? A Yes.  
Q Who owns that land now? A Archie Thompson.

Stewart Austin; et al., 3.

- Q How much of that land is there? A Two hundred and sixty acres.  
Q Is Archie any relation to you? A We just claim cousins.  
Q Do you know the name of your ancestor who got that piece of land from the Government? A No.  
Q Was it Bun-nah? A No, I think not.  
Q How old would Bun-nah be if he were living now? A He would be about sixty.  
Q Did he ever live on this piece of land? A Yes.  
Q You never did hear which one of your ancestors it was who got this land from the Government originally? A No.  
Q How long has the land been in your family? A I heard ma say that land belonged to some of our ancestors; my ma was raised right there and lived until she was old, and died right there.  
Q Do you know how much there was in this piece of land originally when it was first gotten from the Government? A No, 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, 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 1842 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 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

Stewart Austin, et al., 4.

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 Never heard.

On page 537 of the records of the Court of Claims in case Number 12742, entitled, "The Choctaw Nation of Indians versus the United States", appears Schedule ~~also~~ "Q", twelve cases fully adjudicated by Commissioners, Tyler, Gaines and Rush, appointed under the Act of Congress approved August 23, 1842. In said list appears the case of Tus-kah-ha-kah, being Number 841. It appears that at the time the treaty was made, he resided on Section 11, Township 4, Range 11, and had one child, Bun-nah, over ten years of age, and one child, Kan-pil-lah, under ten years of age. This claim was passed upon favorably by said commissioners, and their decision was affirmed by the Secretary of War on the 23rd day of July, 1845.

It is impossible from the testimony of the applicant to determine definitely whether this Bun-nah referred to in this case, is a brother of his mother's father, whose name was Bun-nah.

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.

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.

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 under the 14th article of the treaty of Dancing Rabbit Creek? A Never heard and never seen.

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

Q Have you any witnesses here to testify in your behalf? A No.

If you should find any witnesses whose testimony you desire to have taken by the Commission they may appear before us at any one of our appointments here in Mississippi this 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.

Q Have you any brothers living? A One.

Q What's his name? A John Long.



Stewart Austin, et al., 5.

- Q Where does he live? A With Ed Henson.  
Q Have you any brothers dead who left children? A No.  
Q Any sisters living? A One.  
Q What's her name? A Alice.  
Q Is she married? A No.  
Q With whom does she live? A She lives with me.  
Q How old is she? A About twelve years old.  
Q Is she your full sister? A Yes.  
Q How long has she lived with you? A Ever since she was a little bit of a girl; ever since my mother died.  
Q Have you any sisters dead who left children? A No, all died when they were little girls.  
Q Have you any other children living in your family besides Alice?  
A No, that's all.  
Q Any old folks living with you? A No.  
Q Any of your father's brothers or sisters living? A No.  
Q Any of their children living? A I don't know.  
Q Any of your mother's brothers or sisters, or any of their children living? A No.

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

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 28th day of March, 1902 at Seale, 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 Toles, Mississippi, this 8th day of April, 1902.

*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

W.W.  
In the matter of the application of Stewart Austin, et al., for identification as Mississippi Choctaws, M.C.R. 5099

-----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 March 28, 1902, by Stewart Austin for himself and his minor sister, Alice Austin, 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.

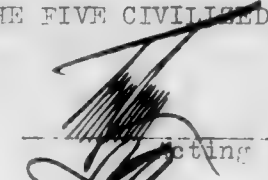
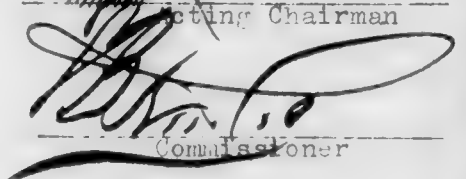

Section forty-one of the Act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians and for other purposes" approved July 1, 1902, (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations

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 Stewart Austin and Alice Austin should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Acting Chairman  
  
Commissioner  
  
Commissioner

Muskogee, Indian Territory

FEB 14 1903

M.C.R. 5099

COF.

Muskogee, Indian Territory, February 21, 1903.

COF

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 Stewart Austin and minor sister, Alice Austin, 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 Stewart Austin and sister as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

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

Respectfully,

*Tamo Dixon*  
Chairman.

Registered.

Enc. M.C.R. 5099

M.C.R. 5099

COPY.

Muskogee, Indian Territory, March 11, 1903

Stewart Austin,  
Coffadelliah, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you and your minor sister, Alice Austin as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

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

Respectfully,

*Tame Dixby*

Chairman.

Registered.

Enc. 5099

MCR 1889  
" 5099

Muskogee, Indian Territory, November 16, 1905.

G. H. Collins,  
Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, requesting to be advised as to what course to pursue to get Will Thompson, Sallie Thompson and Jamison, or Jimmerson, Austin, minor Mississippi Choctaws, enrolled, if application has not already been made for them.

A careful examination has been made of the records of this office and it does not appear that application has ever been made for the identification of the above named children as Mississippi Choctaws.

Your attention is invited to the following provision of the Act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

Under the above legislation this office is now without authority to receive or consider the original application of any person for identification as a Mississippi Choctaw.

G H C 2

You are further advised that the time within which applications could be filed for the enrollment of infant children as citizens of the Choctaw Nation under the provisions of the Act of Congress of March 3, 1905 (33 Stat., 1060), expired on May 2, 1905.

Respectfully,

Commissioner.

#1931

No. 5099

For Identification as a Mississippi Choctaw.

Seale, Miss. Date

MAR 28 1902

Name Stewart Austin

Age 21 Blood full

Post Office, Coffadeliak, Miss.

Father: Austin d

Mother: Sealy d  
Pis-ah-ho-le-mah

Claims through

wife Hortense Austin L

Father Allison Thompson L

mother Martha L

See H. C. 1888.00 to Hortense

Children:

For self ~~and~~ and

minor sisters

Alice Austin (Full) 12

Stenographer

P. S. Street



MISSISSIPPI CHOCTAW  
Stewart Austin

MC R 5099

**COPY OF DECISION FORWARDED  
APPLICANT**

**MAR 11 1903**

Choctaw MCR 5100

Jess Dixon

MCR 5100

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

---

Herein is the record in the matter of the application of  
Jess Dixon, et al., for identification as Mississippi Choctaws,  
M.C.R. 5100.

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

-----

In the matter of the application of Jess Dixon, et al.,  
for identification as Mississippi Choctaws, M.C.R.5100.

I N D E X .

	page
Original application of Jess Dixon, et al., before the Dawes Commission for identification as Mississippi Choctaws,.....	1
Decision of the Commission identify- ing Jess Dixon as a Mississippi Choctaw,.....	5

5100

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Seale, Mississippi, March 28th, 1902.

In the matter of the application of Jess Dixon for the identification of himself, his wife Bettie and one minor child, Ah-chuk-mah-ha-mah, as Mississippi Choctaws.

Said Jess Dixon, being first duly sworn, testified as follows:  
(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Jess Dixon.  
Q How old are you? A About twenty.  
Q How much Choctaw blood have you? A Full blood.  
Q What's your postoffice address? A Coffadelliah.  
Q Do you live in Neshoba County? A Yes.  
Q How long have you lived in Neshoba? A Lived in Neshoba about a year and a half-lived in Kemper before that.  
Q Were you born in Kemper? A Yes.  
Q And lived there until you came to Neshoba about a year and a half ago--is that right? A Yes.  
Q Is your father living? A No.  
Q What was his name? A Dixon.  
Q Is that all the name he had? A That's all I know of.  
Q Did he have a Choctaw name? A No.  
Q How long has he been dead? A Not quite a year.  
Q Was he a full blood Choctaw? A Yes.  
Q About how old was he when he died? A About fifty.  
Q Is his father living? A No.  
Q Or his mother? A No.  
Q Do you know the name of his father or mother? A No.  
Q Were they full bloods? A Yes.  
Q Did they live here in Mississippi all their lives? A Yes.  
Q Is your mother living? A No.  
Q What was her name? A Lizzie.  
Q How long has she been dead? A Little over two years.  
Q About how old was she when she died? A Father and mother, I think, were about the same age.  
Q Was your mother a full blood? A Yes.  
Q Is her father living? A No.  
Q Or her mother? A No.  
Q Do you know the name of either one of them? A No.  
Q Did they always live here in Mississippi? A Yes.  
Q Did your mother have a Choctaw name? A Not that I know of.  
Q Are you married? A Yes.  
Q Do you know the name of any one of your ancestors except your father and your mother? A No, that's all.  
Q Is your wife living? A Yes.  
Q What's her name? A Bettie.  
Q Are you living with her at this time? A Yes.  
Q Were you married to her under a license or according to Choctaw custom? A Choctaw custom.  
Q How long have you been living with her? A Little over a year.  
Q Were you ever married before? A No.  
Q Was she? A No.

- Q How much Choctaw blood has Bettie? A Her father was half white and half Choctaw and her mother was a full blood.
- Q How old is Bettie? A Sixteen.
- Q Has she always lived here in Mississippi? A Yes.
- Q Is her father living? A Yes.
- Q What's his name? A Tom Clemmons.
- Q Is her mother living? A Yes.
- Q What's her name? A Mimie.
- Q Where do Tom and Mimie live? A Just over on the edge of Kemper County.
- Q Have you any children living? A Yes.
- Q How many? A One.
- Q What's that child's name? A Ah-chuk-mah-ha-mah.
- Q Is that all the name the child has? A Yes.
- Q How old is that child? A About five months old.
- Q Hasn't that child an English name? A No.
- Q Is it a boy or girl? A Girl.
- Q Is this the child of yourself and Bettie? A Yes.
- Q Have you any other children living in your family? A No.
- Q Any old folks? A No.
- Q Is your name or your wife's 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 you or your wife for the purpose of establishing your rights as Choctaw Indians? A No.
- Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes.
- Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with the provisions of that 14th article 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 live here at that time? A If they did I don't know about it.
- 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 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 If they did I never heard.
- 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 If they did I never heard.
- Q Did you ever hear of any of your ancestors or any of your wife's ancestors ever having gotten any land from the Government? A If they ever did I never did hear.

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 and they came down here to Mississippi and heard a great many of these cases.

Q Did any of your ancestors or any of your wife's ancestors 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 If they did I never heard.

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 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 receive any of this scrip from the Government under this act of Congress? A If they did I never heard.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of your wife's ancestors received by any of your ancestors from the Government of the United States covering land here in Mississippi? A Never heard.

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 the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A 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.

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

Jess Dixon et al--4

Q Have you 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 Spring, ~~xxx~~ including the one 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.

Q Have you any brothers living? A No.

Q Any brothers dead who left children? A No.

Q Any sisters living? A No.

Q Any sisters dead who left children? A No.

Q Are any of your father's brothers living? A One.

Q What's his name? A Teach Jacob.

Q Has your father any brothers dead who left children? A No.

Q Has your father any sisters living? A No.

Q Has your mother any brothers living? A No.

Q Or any sisters? A No.

Q Any brothers or sisters dead who left children? A No.

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 chiefly 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 Seale, Mississippi, March 28th, 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 5th day of April, 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.

-oOo-

In the matter of the application of Jess Dixon, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5100.

---: 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 March 28, 1902, by Jess Dixon for himself, his wife, Bettie Dixon, and his minor child, Ah-chuk-mah-ha-mah Dixon, 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 principal applicant is a full-blood Mississippi Choctaw Indian. The other applicants are mixed-blood Choctaws, and whatever rights as Mississippi Choctaws they may possess by reason thereof will be determined at a later date.


Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902,

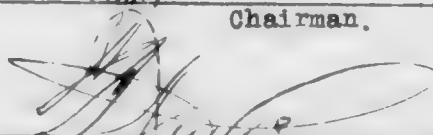
(32 Stat., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

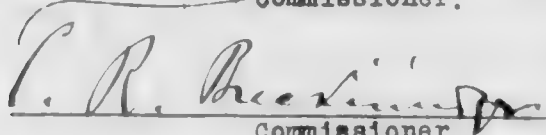
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

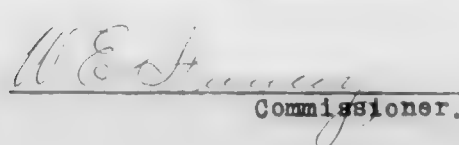
It is, therefore, the opinion of this Commission that Jess Dixon should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

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

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

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

Muskogee, Indian Territory,  
MAR 1 1904

COPY.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-90-

In the matter of the application of Jess Dixon, et al., for identification as Mississippi Choctaws, M.C.R. 8100.

---: 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 Jess Dixon for himself, his wife, Bettie Dixon, and his minor child, Ah-chuk-mah-ha-mah Dixon, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 498):

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

From the records of the Commission it appears that the principal applicant, Jess Dixon, who is a full-blood Mississippi Choctaw Indian, was, on March 4, 1904, duly identified as a Mississippi Choctaw, under the provisions of Section forty-one of the act of Congress approved July 1, 1902, (32 Stats., 641). The evidence herein shows that both of the other applicants are mixed-blood Choctaws, and as such do not come within the purview of said Section.

It also appears that Bettie Dixon 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 Tom Clemmons, who is alleged to have been an one-half blood Choctaw Indian, and Minie Clemmons, who is alleged to have been a full-blood Choctaw Indian; and that the minor applicant herein claims said rights by reason of being a descendant of the above named ancestors and Dixon and Lissie, both of whom are alleged to have been full-blood Choctaw Indians.

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

It is found that the name Dixon appears on pages 400 and 663 of Volume I, Claimant's Brief and Evidence, in the case of the Choctaw Nation, vs. the United States, before the Court of Claims No. 12742, in a number of lists relating to claims arising under article fourteen of the treaty of eighteen hundred and thirty, and also on page 1016, Volume II of said record in the affidavit of one Jesse Nelson; but it does not appear from the evidence submitted by the applicants herein that the Dixon, through whom the minor applicants claims, is the identical Dixon, whose name appears in the records above cited.

It is further found that a person bearing the name Dixon received scrip as a beneficiary under article fourteen of the treaty

(3)

of "Dancing Rabbit Creek," but there is nothing in the testimony of the applicants which tends to show that the Dixon who received such scrip is the identical Dixon through whom said minor applicant claims

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 Dixon, through whom the minor applicant claims, or Lizzie, or Tom Clemmons, or Minie Clemmons 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 Bettie Dixon and Ah-chuk-mah-ha-mah Dixon, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Tame Dixby.*

Chairman.

*T. B. Needles.*

Commissioner.

*C. H. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

Commissioner.

COPY. M.C.R. 5100

Muskogee, Indian Territory, March 4, 1904.

Jess Dixon,

Coffadoliah, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 4, 1904, identifying you as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, 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 September 4, 1904, and must make proof of such removal and settlement on or before March 4, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*T. D. ...*

Commissioner in Charge.

Registered.

Enc. 5100.

M.C.R. 5100

Muskogee, Indian Territory, March 4, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 4, 1904, identifying Jess Dixon as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the action of the Commission in identifying said Jess Dixon 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,

Commissioner in Charge.

Registered.

Enc. 5100.

M.C.R. 5100

Muskegee, Indian Territory, May 12, 1904.

Jess Dixon,

Coffadeliah, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 12, 1904, rendered its decision refusing the application made by you for the identification of your wife Bettie Dixon, and minor child Ah-chuk-mah-ha-mah Dixon, as Mississippi Choctaws.

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

Respectfully,

(SIGNED)

*Tams Dixby.*

Chairman.

Registered.



M.C.R. 5100

Muskogee, Indian Territory, May 12, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 12, 1904, refusing the application for identification as Mississippi Choctaws of Bettie Dixon and her minor child Ah-chuk-mah-ha-mah Dixon.

You are hereby 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 as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*James Dixby.*

Chairman.

Incl. MCR 5100.

COPY.

Muskogee, Indian Territory, May 28, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Jess Dixon et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 12, 1904.

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

Respectfully,

SIGNED/

*James Dixby.*  
Chairman.

Through the  
Commissioner of Indian Affairs.

2 Incl. MCR 5100.

Land.

36715-1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, November 8, 1904.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 28, 1904, transmitting the record of the application for identification as Mississippi Choctaws by Jess Dixon for himself, his wife, Bettie Dixon, and his minor child, Ah-ohuk-mah-ha-mah Dixon.

March 4, 1904, the Commission duly identified the principal applicant, Jess Dixon, as a full-blood Mississippi Choctaw Indian.

May 12, 1904, the Commission decided adversely to both the other applicants.

The record shows that the other applicants are mixed blood Choctaws and claim rights in the Choctaw lands under article 14 of the treaty of Dancing Rabbit Creek by reason of being descendants of Tom Clemmons, who is alleged to have been an one-half blood Choctaw Indian, and Minie Clemmons who is alleged to have been a full-blood Choctaw Indian; and that the minor applicant also claims rights by reason of being a descendant of Dixon and Lizzie, both alleged to have been full-blood Choctaw Indians.

It further appears from the record, and from the records

of this office, that neither of said applicants has ever been recognized, enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation, or by any tribunal of the United States.

Upon the records of this office, it is found that a person bearing the name of Dixon received scrip as a beneficiary under article 14 of the treaty of Dancing Rabbit Creek, but there is nothing in the record which tends to show that the Dixon who received such scrip is the identical Dixon through whom the minor applicant claims.

It does not appear from the record, or from the records of this office, relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830, and to persons who were heretofore claimants thereunder, that the said Dixon, through whom the minor applicant claims, or Lizzie, or Tom Clemmons, or Minie Clemmons, or an ancestor less remote signified in person or by proxy to any person an intention to comply with the provisions of said article 14, or presented a claim to rights under subsequent legislation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

M.M.M.

W.

DC.43627-1904.  
ITD.11504-1904.  
L. R. S.

(COPY), FHN.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, November 12, 1904.

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

Gentlemen:

May 28, 1904, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of Jess Dixon for himself, his wife, Bettie Dixon, and his minor child, Ah-chuk-mah-ha-mah Dixon, including your decision of May 12, 1904, which was adverse to Bettie Dixon and Ah-chuk-mah-ha-mah Dixon, you having on March 4, 1904, duly identified Jess Dixon as a full blood Mississippi Choctaw Indian.

Reporting in the matter November 8, 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,

F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY:

M.C.R. 5100

Muskogee, Indian Territory, November 18, 1904.

Jess Dixon,

Coffadeliak, Mississippi,

Dear Sir:

You are hereby notified that on the 12th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of your wife, Bettie Dixon, and child, Ah-chuk-mah-ha-mah Dixon, of which decision you were advised by registered mail on the 12th day of ~~Nov~~, 1904.

Respectfully,

SIGNED

*Tame Bixby*  
Chairman.

M.C.R. 8100

COPY.

Muskogee, Indian Territory, November 18, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 12th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Jesse Dixon et al., of which decision you were advised by mail on the 12th day of May, 1904.

Respectfully,

(SIGNED)

*James Bixby*

Chairman.

#1932

No. 5100

For Identification as a Mississippi Choctaw.

Seale, Miss. Date

Name Jess Dixon

Age 20 Blood full

Post Office Bogalusa, Miss

Father: Dixon d

Mother: Lizzie " d

Claims through

wife Bettie Dixon (3/4) 16

Father - Tom Clemmons (1/2) 5

Mother - Mimie "

Children:

Ah-chuk-mah-ha-mah  
5 mo. (F)

For identification as a Choctaw

Stenographer

J. A. Niles



Choctaw MCR 5101

Sanderson Marris

See MCR 2582, 217

MCR 5101

5101  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Seale, Mississippi, March 29, 1902.

In the matter of the application of Sanderson Marris, for the identification of himself and one minor child, Lula, as Mississippi Choctaws.

Sanderson Marris, 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 Sanderson Marris.  
Q How old are you? A Twenty nine.  
Q How much Choctaw blood have you? A Three quarters.  
Q What's your post office address? A North Bend, post office.  
Q Neshoba County, Mississippi? A Yes.  
Q You live in Neshoba County, do you? A Yes.  
Q How long have you lived in Neshoba County? A All my life.  
Q Is your father living? A Yes.  
Q What's his name? A Dibbin Marris.  
Q How much Choctaw blood has he? A Half Injun and half white.  
Q Has he lived here in Mississippi all his life? A Yes.  
Q Is your mother living? A No, dead long time ago.  
Q What was her name? A Betsey.  
Q Was she a full blood Choctaw? A Yes, full blood choctaw.  
Q Did she live here in Mississippi all her life? A Yes, sir.  
Q Did she have a Choctaw name? A Yes.  
Q What was it? A No, sir, he just have Betsey.  
Q Has your father a Choctaw name? A Yes, sir.  
Q What is it? A Ho-mah-tubbee.  
Q Do you know the name of your father's father? A No, I heard him call him.  
Q What? A Marris.  
Q Any other name? A No.  
Q Do you know the name of your father's mother? A Yes.  
Q What was it? A Sallie.  
Q Was she a full blood? C hoctaw? A Yes.  
Q Did she live here in Mississippi all her life? A Yes.  
Q Did she have a Choctaw name? A No, I didn't know him Choctaw name; just call him Sallie all I recollect.  
Q How old would Sallie be if she were living now? A I don't know, about eighty, I reckon.  
Q Do you know the name of her father, or her mother? A No, I don't know it.  
Q Is your mother's father living? A No, sir.  
Q Do you know his name? A Yes.  
Q What was his name? A Tookole.  
Q Have any other name? A No, sir.  
Q Full blood was he? A Yes.  
Q Live here in Mississippi all his life? A Yes.  
Q How old would he be if he were living now? A I don't know, somewhere in ninety.

Sanderson Marris, et al., 2.

- Q Do you know the name of his father, or his mother? A No.
- Q Is your mother's mother living? A No.
- Q What was her name? A I don't know.
- Q So far as you know, have all of your ancestors always lived here in Mississippi? A I don't know.
- Q Is your wife living? A Yes, living; I quit him.
- Q What's her name? A Annie.
- Q How long have you been separated from her? A Last Christmas a year ago.
- Q Is she married again? A Yes.
- Q Who is she married to? A Lamphin Amos.
- Q Is he a full blood Choctaw? A Yes, he's a full blood Choctaw.
- Q Have you any children living? A Yes, one.
- Q What's that child's name? A Lula.
- Q How old is Lula? A Five years old.
- Q Is she living with you at this time? A Yes.
- Q Is she the child of yourself and Annie? A Yes.
- Q Is Annie a full blood Choctaw? A Yes.
- Q Has Annie always lived here in Mississippi? A Yes.
- Q Is her father living? A No, sir.
- Q What was his name? A Farbus Frazier.
- Q Was he a full blood Choctaw? A Yes.
- Q Always live here in Mississippi? A Yes.
- Q Is Annie's mother living? A Yes, Mary.
- Q What's her name? A Mary Frazier.
- Q Is Mary a full blood Choctaw? A Yes.
- Q Live here in Neshoba County? A Yes, sir lives with my brother, Jim Marris.
- Q Do you know the name of any one of Annie's grand parent? A No, sir.
- Q So far as you know have all of her ancestors been full blood Choctaws? A Yes.
- Q And have always lived here in Mississippi? A Yes.
- Q How long did you live with Annie? A I lived with her about ten years, I reckon.
- Q Were you married to her under a license or according to the Choctaw custom? A Choctaw custom.
- Q Have you any other children living with you? A No.
- Q Have you any old folks living with you? A No, sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A I reckon not; I lived over here all the time.
- Q You never made any effort to have your name put on the tribal rolls in Indian Territory, did you? A No, sir, I never did.
- Q Have you ever made any application of any kind before today for yourself or this child? A Yes, I did at Philadelphia, three years ago.

The records of the Commission show that on the 31st day of January, 1899, this applicant appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of himself, his wife, Annie, and minor children, Wicy and Lula, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 217; also, upon page 63 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 Mississ-

Sanderson Marris, et al., 3.

ippi, claiming rights in the Choctaw lands in Indian Territory, under the provisions of the 14th article of the treaty of Dancing Rabbit Creek, being Numbers 759, 760, 761, and 762, respectively, thereon.

Q 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, do you? A Yes.

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

Q

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from this country 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 shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter 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.

Q Did any of your ancestors, or any of the ancestors of Annie, formerly your wife, ever comply or attempt to comply with the provisions

Sanderson Marris, et al., 4.

of this 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits under that article? A No, sir, I never heard 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 was made? A I don't know.

Q Did any of them, in fact, live here at that time? A I reckon my mother's people, and my grand people, lived here, but I don't know where they lived at that time. They were bound to live here somewhere.

Q None of them ever went to Indian Territory that you know of?

A No, sir, my grand pa was a white man, and he went to the Territory and lived out there until he died.

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

Q Did any of your ancestors, or any of your former wife, Annie's 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 if they did.

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 any of our ancestors got any land, I don't know it.

Q You never heard of any of your people ever having gotten any land from the Government, or any of your wife's people? 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 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, 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 ancestor, or any of the ancestors of your former

Sanderson Marris, et al., 5.

wife, Annie, 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 Never heard it if they did.

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, or any of the ancestors of your former wife, Annie, ever get any of this scrip from the Government of the United States under this Act of Congress? A Never heard it if they did.

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 former wife, Annie, 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 one that would know about that.

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

Q Did you ever see, or hear of, any deed or patent issued to any of your ancestors, or any of the ancestors of your former wife, Annie, covering land here in Mississippi, received from the Government? A Never did.

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

Q Have you any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any one of our appointments here in Mississippi, this 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 brothers living? A Yes.

Q How many? A Five.

Q What are their names? A Tom Marris lives in Kemper.

Q Next one? A Oldest one, Coleman.

Q Next one? A Marris.

Q Next one? A Jim.

Q Next one? A Bobo.

Q Is that all? A Wench, and Steve and Lace.

Q Have you any sisters? A Yes.

Q How many? A Four.

Sanderson Marris, et al., 6.

- Q What are their names? A Oldest one, Susan Bull, the wife of Asa Elmon Bull.  
Q Next one? A Nancy.  
Q Is she married.  
Q Next one? A Missy.  
Q Next one? A Mat.  
Q Married? A No, sir.  
Q Has your father any brothers living? A Yes, one.  
Q What's his name? A Watson Marris.  
Q Has Annie, your former wife, any brothers living? A Yes, four, Seale, Wesley, Henson and Echol Frazier.  
Q Has she any sisters living? A Yes, sir.  
Q How many? A Two.  
Q What are their names? A One, Minerva, the wife of my brother, Jim Marris.  
Q Next one? A The oldest one is Johnson Bells wife, named Susanne.  
Q That's all, is it? A Yes.  
Q Have you anything further to say? A No, sir.

(This applicant has the appearance of being possessed of fully as much Indian blood as is claimed by him; in fact, he could easily be mistaken for a full blood; he speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 29th day of March, 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 Toles, Mississippi, this 8th day of April, 1902.

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

By *[Signature]*

Deputy.

N C R  
2049 2084  
5082 5101

Muskogee, Indian Territory, May 12, 1903.

Bobo Marris,  
Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you ask if the following named persons have been identified as Mississippi Choctaws:

Bobo Marris	Sanderson Marris
Ben Gipson	Maggie Willis
Charley Jacob.	

In reply you are informed that the Commission has not up to the present time rendered any decision relative to the right of yourself and Sanderson Marris to be identified as Mississippi Choctaws. As soon as a decision is rendered you will be duly notified of the action of the Commission.

You are further advised that Ben Gipson and Charley Jacob have been identified by this Commission as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations, of which action they were duly advised at their last known post office address, Oshtusa, Mississippi.

It does not appear from our records that any person by the name of Maggie Willis is an applicant to this Commission for



B H S

identification as a Mississippi Sheriff.

Respectfully,

Commissioner in Charge.

COPY.

M.C.R. 5101

Muskogee, Indian Territory, September 27, 1904.

Sanderson Marris,  
Stigler, Indian Territory,

Dear Sir:

Inclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying you and your minor child, Lula Marris, as Mississippi Choctaws.

Under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641), in order for you to avail yourselves of the benefits thereof you must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before March 27, 1905. The Act above referred to also provides that proof of such settlement shall be made to this Commission within one year after the date of the identification of the persons herein named, as Mississippi Choctaws.

By the Act of Congress approved April 21, 1904, (Public No. 125) , it is provided that the Commission shall close its work and terminate on or before the first day of July, 1905. It is, therefore, suggested that you appear before the Commission, at the Choctaw Land Office, at Atoka, Indian Territory, or the Chickasaw Land Office, at Tishomingo, Indian Territory, for the purpose of

B. M. 2

making proof of your removal to and settlement within the Chester-  
Chickasaw country, at the earliest practicable date.

Respectfully,

SIGNED: *Tame Bixby.*  
Chairman.

Registered.

Incl. M.C.R. 5101.

M C R 5082  
M C R 5101

Muskogee, Indian Territory, December 29, 1903.

Bobo Morris,  
Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the joint letter of yourself and Sanderson Morris, dated December 2, 1903, in which you ask why you have not been identified as Mississippi Choctaws. You also ask that you be furnished eight or ten "land plots."

In reply you are informed that it appears from our records that you and Sanderson Morris are applicants to this Commission for identification as Mississippi Choctaws, but up to the present time no decisions have been rendered relative to your rights to such identification. When decisions are rendered in your cases you will be duly notified thereof.

In compliance with your request, there are herewith enclosed ten township diagrams, Choctaw Nation.

Respectfully,

Chairman.

McM 45

M C R 5082  
M C R 5101

Muskegee, Indian Territory, August 13, 1904.

Honorable Green McCurtain,  
Principal Chief Choctaw Nation,  
Kinta, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, in which you ask to be advised the status of the Mississippi Choctaw applications of Bobo Marris, et al. and Sanderson Marris, et al.

In reply you are informed that it appears from our records that on March 25, 1902, Bobo Marris appeared before this Commission at Seale, Mississippi, and made application for the identification of himself and his minor child, Otis Marris, as Mississippi Choctaws; also on March 29, 1902, Sanderson Marris made application before this Commission at Seale, Mississippi, for the identification of himself and minor child, Lula Marris, as Mississippi Choctaws.

No decisions have yet been rendered by the Commission relative to the rights of the above named persons to be identified as Mississippi Choctaw Indians. However, when their applications are passed upon by the Commission they will be promptly notified of such action as may be taken.

Respectfully,

Commissioner in Charge.

1933

No. 5101

For Identification as a Mississippi Choctaw.

Seale, Miss. Date MAR 2 1902

Name Sanderson Marris

Age 29 Blood 3/4

Post Office, North Bend, Miss.

Father: Sibbin Marris (1/2) L

Mother: Betsey <sup>Ho-mah-tuttee</sup> " (full) d

Claims through

*[Faint handwritten text]*

Children:

Lula Marris (F) 5

Flather Annie " f. b. L.

*[Faint handwritten text]*

*[Faint handwritten text]*

Stenographer

R. S. Street

Choctaw MCR 5102

Ikeness. Wallace

MCR 5102

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

---

In the matter of the application of Ikeness Wallace, et al.,  
for identification as Mississippi Choctaws, M.C.R.5102.

---



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

---

In the matter of the application of Ikeness Wallace, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5102.

I N D E X .

	page
Original application of Ikeness Wallace, et al., before the Dawes Commission for identification as Mississippi Choctaws,.....	1
Decision of the Commission granting the application of Ikeness Wallace, et al., for identification as Mississippi Choctaws,.....	8

---

5102

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Seale, Mississippi, March 29th, 1902.

In the matter of the application of Ikeness Wallace for the identification of himself and his two minor children Li-cubbee and Lah-nubbee, also for his grandmother Becky Charlie and his fatherinlaw and motherinlaw, Bill Bob and his wife ----- Bob, as Mississippi Choctaws.

Said Ikeness Wallace, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Ikeness Wallace.  
Q Have you a Choctaw name? A No sir, that's all my name.  
Q How old are you? A About forty-five, forty-four, somewhere along there.  
Q How much Choctaw blood have you? A Full blood Choctaw.  
Q What's your postoffice address? A I never did get no mail--I don't know which is closest.  
Q You live nearer to Coffadelliah, don't you? A Yes.  
Q In what County do you live? A In Kemper.  
Q How long have you lived in Kemper County? A Two years.  
Q Where did you live before you went to Kemper? A Neshoba.  
Q All your life? A Yes.  
Q Is your father living? A No, dead.  
Q What was his name? A Tom Wallace.  
Q Did he have a Choctaw name? A I don't know.  
Q Did he live here in Mississippi all his life? A Yes.  
Q Was he a full blood Choctaw? A Yes.  
Q When did he die? A About twelve years ago--he went off when I was little fellow and I never did see him no more but I heard he died about twelve years ago.  
Q Where did he go to? A Yazoo swamp.  
Q About how old was he when he died? A I don't know.  
Q Do you know the name of his father or his mother? A I know my grandmother's name.  
Q What was her name? A Becky Charlie.  
Q Did she have any other name--Choctaw name? A No, that's all I ever heard.  
Q Is she living? A Yes, she's living but she's sick--she's most dead.  
Q Is she a full blood Choctaw? A Yes.  
Q Is your mother living? A Dead--I don't recollect when she died.  
Q What was her name? A I never did hear her name.  
Q Is her father living? A No.  
Q What was his name? A I don't know.  
Q Is your mother's mother living? A Dead.  
Q What was her name? A Polly--that's what I heard.  
Q Did she have any other name--Choctaw name? A No, never did hear Choctaw name.  
Q Have you told us the names of all your ancestors whose names you know? A Yes.  
Q Have all of your ancestors been full blood Choctaws? A Yes.

Ikeness Wallace at al--2

- Q Have they all lived here in Mississippi? A Yes.
- Q Are you married? A Yes, I was married but wife died.
- Q What was your wife's name? A Sis.
- Q Was she a full blood Choctaw? A Yes.
- Q Was she older or younger than you? A Younger than I am.
- Q Live here in Mississippi all her life? A Yes.
- Q Is her father living? A Yes.
- Q What's his name? A Bill Bob.
- Q Is he a full blood Choctaw? A Yes.
- Q Has he always lived here in Mississippi? A Yes.
- Q Has he a Choctaw name? A Yes.
- Q What is it? A Neck-any-ho-nubbee.
- Q About how old a man is he? A About seventy.
- Q Is his father living? A No.
- Q Is his mother living? A No.
- Q Do you know the name of either one of them? A No.
- Q Is your wife's mother living? A Yes.
- Q What's her name? A I never did hear her name.
- Q Is she a full blood Choctaw? A Yes.
- Q Do both of your wife's parents live in Kemper County? A Yes.
- Q Have they any minor children living? A No.
- Q Do you know the name of your wife's mother's mother or father?  
A I don't know either one of them.
- Q So far as you know, have all of your wife's ancestors been full  
blood Choctaws and have they always lived here in Mississippi? A  
Yes.
- Q Were you ever married more than once? A I was married before  
I married this last woman.
- Q Did you have any children by your first wife? A No.
- Q Is your first wife living? A Dead.
- Q Have you any children living? A Two living.
- Q What are their names? A Li-cubbee, about eight.
- Q Next one? A Lah-nubbee.
- Q About how old is he? A About five.
- Q How long has your wife been dead? A About two years.
- Q Are these two children the children of yourself and Sis? A Yes.
- Q With whom do these children live at this time? A Live with their  
grandparents, Bill Bob and his wife.
- Q Have you any children living with you? A No.
- Q Any old folks living with you? A No, I'm living with a white  
man.
- Q Is your name or the name of either one of these children 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 you or either one of these children for the purpose of  
establishing your rights as Choctaw Indians? A No.
- Q Do you understand article 14 of the treaty of Dancing Rabbit  
Creek? A No.

The treaty of Dancing Rabbit Creek was entered into here  
in Mississippi on the 27th day of September, 1830, between  
the United States Government and the Choctaw Tribe of  
Indians. At the time 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 and not move 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 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.
- Q Did any of your ancestors or any of your wife's ancestors ever do as that 14th article required a Choctaw to do in case he stayed here in Mississippi and took land and became a citizen of the States?
- 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 live here at that time? A I don't know--They bound to live somewhere but I don't know exactly where they did live at that time.
- Q Did any of your ancestors or any of your wife's 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.
- 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.

Ikeness Wallace et al--4

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 from the Government? A No.

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 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 or any of your wife's ancestors ever appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty? 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 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 or any of your second wife's ancestors ever receive any of this scrip from the Government? A Never saw or heard.

Ikeness Wallace etal--5

- Q During this examination in referring to your wife's ancestors I have meant your second wife, Sis, the mother of your two children-- have you so understood me? A Yes.
- Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of the ancestors of your second wife by the Government of the United States covering land here in Mississippi or elsewhere? A No.
- Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your ancestors or any of your second 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 under that article? A No.
- Q Do you know of any old persons living who would likely know about this matter? A No, I don't know of any one.
- Q Don't you think Becky Charlie might know something about it? A I think she might know something about this.
- Q Is she able to come before the Commission? A No, she cant walk atall.
- Q How far does she live from here? A Three or four miles.
- Q What would be her postoffice address probably? A North Bend.
- Q Have you any written evidence of any kind to offer at this time? A No.
- Q Any witnesses? 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 of our appointments here in Mississippi this Spring, including the one at Meridian, between April 14th and 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 With whom does Becky Charlie live? A Sweeney Amos.
- Q Full blood Choctaw? A Yes.
- Q About how old is Becky? A She's something over 100 years old.
- Q Is she of sound mind? A She cant hear good-t hey could talk loud to her-her mind is all right.
- Q Do you know whether any application of any description has ever been made for her for the purpose of establishing her rights as a Choctaw Indian? A Yes, I heard that she did.
- Q When? A About two years ago.
- Q Where? A I don't know where it was.
- Q Was it at Philadelphia? A I reckon she went there.
- Q Did she live over about Philadelphia three years ago? A Yes.
- Q With whom? A She lived with Fat Tom--Tom Tubbee. The County fed her a while there.

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 Becky Charlie as a Mississippi Choctaw, her name appearing upon 5 Mississippi Choctaw card Field No. 256, also upon page 68 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Secretary of the Interior of March 10, 1899, being No. 878 thereon.

Ikeness Wallace et al--6

- Q Did you ever hear of any other application having been made for her? A No.
- Q Do you know the name of her father or her mother? A No.
- Q Has Becky lived here in Mississippi all her life? A Yes.
- Q Has she a Choctaw name? A That's all the name I ever heard.
- Q About how old is your wife's mother? A About the same age as her husband--maybe a little older.
- Q Have you given us the names of all your wife's ancestors whose names you know? A Yes.
- Q What would likely be the postoffice address of your wife's parents-Coffadeliah? A I think may be Coffadeliah-about as near as any.
- Q They live in Kemper County, do they not? A Yes.
- Q You are sure they are both full bloods? A Yes.
- Q Has Becky Charlie any minor children? A No.
- Q Has any application ever been made in behalf of your wife Sis's father or mother? A No, I think not.
- Q Have you any brothers living? A No.
- Q Any brothers dead who left children? A No.
- Q Any sisters living? A All dead.
- Q Did any of them leave children? A No.
- Q Are any of your father's brothers living? A No.
- Q Did any of them leave children? A No.
- Q Are any of your father's sisters living? A I think they're all dead.
- Q Did any of them leave children? A No.
- Q Are any of your mother's brothers or sisters living? A No.
- Q Did any of them leave children? A No.
- Q Are any of your second wife's brothers living? A No.
- Q Did any of them leave children? A No.
- Q Did your second wife ever have any sisters? A No.
- Q Are any of Bill Bob's brothers living? A No.
- Q Are any of his sisters living? A No, all dead.
- Q Did any of his brothers leave children? A No.
- Q Did any of his sisters leave children? A One left children.
- Q How many children did she leave? A Just one.
- Q What was the name of his sister who left this child? A I don't know.
- Q What's the name of the child she left? A I don't know her name but she married Smith Bell.
- Q She's living with Smith Bell now, is she? A Yes.
- Q Are any of your second wife's mother's brothers living? A If she ever had any brothers I don't know anything about it.
- Q Did she ever have any sisters? A No.
- Q Has Becky Charlie any brothers or sisters living? A No.
- Q Did she ever have any that you know of? A Not that I know of.
- Q Are there any further statements you want to make at this time in support of your application? 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 partially in English and partially through a sworn Choctaw interpreter. His testimony is the first information the Commission has had of Bill Bob and his wife and it is deemed best to consider this testimony as an application

Ikeness Wallace--7

in their behalf; they undoubtedly have knowledge of the presence of the Commission at this place as have all Choctaws living within a radius of six or eight miles from here. It is likewise deemed best to consider this in the light of an application in behalf of Becky Charlie who is an invalid and could not possibly appear before the Commission; she lives with a relative, Sweeney Amos, who has been notified of the presence of the Commission at this place and urged to appear before us but refuses to do so. The testimony of this applicant would have been taken separately as to these persons but he has stated that he would not give such testimony and it has been with the utmost difficulty that we have secured even this much testimony with reference to these persons.

-----

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 Seale, Mississippi, March 29th, 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 5th day of April, 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.

200  
-----  
In the matter of the application of Ikeness Wallace, et al.,  
for identification as Mississippi Choctaws, M.C.R.5102.

.....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 March 29, 1902, by Ikeness Wallace for himself and his two minor children, Li-cubbee and Lah-nubbee Wallace, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

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

It appears that application was also made for Becky Charlie, Bill Bob and his wife, whose given name is not stated, but they are differently classified and are not embraced in this decision.


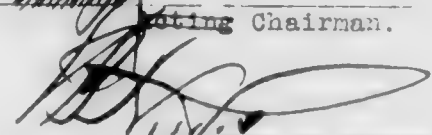

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.

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

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Ikeness Wallace, Li-cubbee Wallace and Lah-nubbee Wallace should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Acting Chairman.  
  
Commissioner.  
  
Commissioner.

Muskogee, Indian Territory,

At H 22 186

M.O.B. 5102.

COPY.

Muskogee, Indian Territory, April 22, 1903.

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

Gentlemen:

Enclosed herewith you will find copy of the decision of the Commission rendered April 22, 1903, identifying Ikeness Wallace and his minor children, Li-subbee and Lah-nubbee Wallace as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Ikeness Wallace 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).

*Samuel Dixby.*

Chairman.

Registered.

Enc. 5102

M.C.R. 5102.

COPY.

Muskogee, Indian Territory, May 6, 1903.

Ikeness Wallace,  
Coffadelliah, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 22, 1903, identifying yourself and minor children, Li-cubbee Wallace and Lah-nubbee Wallace as Mississippi Choctaw Indians under the provisions of section 41 of the Act of Congress, approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory before October 22, 1903, you will have six months from that date, or until April 22, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*Tams Dixby.*  
Chairman.

Registered  
Enc. 5102.

#1934

No. 5102

For Identification as a Mississippi Choctaw.

Deale, Miss.  
Date

MAR 1902

Name Skene's Wallace

Age 44 Blood Full

Post Office, Coffadeliak, Miss.

Father: Tom Wallace d

Mother: dont know d

Claims through

wife Sis Wallace (full) d

Father Bill Bob (full) d

Nock-any-ho-nubbee

mother dont know- " d

Children:

Li-cubbee Wallace 8

Lah-nubbee " 5

~~2 children~~

~~1 child~~

~~1 child~~

Father's mother Becky Charlie d

Stenographer

J. S. Niles

Choctaw MCR 5103

Becky Charley

MCR 5103

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application for the identification  
of Becky Charlie as a Mississippi Choctaw, H.C.R. 5103.

---o---

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application for the identification  
of Becky Charlie as a Mississippi Choctaw, M.C.R. 5103.

--: I N D E X :--

	(Page)
Original application of Becky Charlie for identification as a Mississippi Choctaw.....	1
Decision of the Commission identifying above applicant...	8

---0---



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

Philadelphia, Washoba County, Miss., Tuesday, January 31, 1899.

-----9--

Applications for identification as Mississippi Choctaws.

-----

TOM TUBBEE, the applicant, states: I am 50 years old, and am a full blood Choctaw. My wife is a full blood named Winnie, 45 years old. I have a niece living with me named Mary Jane Ben, 20 years old, and her baby named Wubbee Ben, two years old. I have an old woman living with me. Her name is Becky Charlie and she is about 90 years old."

---- oOo-----

Harry C. Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he prepared the above copy of testimony, and that the above and foregoing is a full, true and correct copy of the testimony given by Tom Tubbee at Philadelphia, Mississippi, January 31, 1899, as appears upon the records of the Commission.

*Harry C. Risteen*

Subscribed and sworn to before me this 2nd day of February 1903

*Charles H. Sawyer*

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Scale, Mississippi, March 29th, 1902.

In the matter of the application of Ikeness Wallace for the identification of himself and his two minor children Li-subbee and Lah-gubbee, also for his grandmother Becky Charlie and his father-in-law and mother-in-law, Bill Bob and his wife ----- Bob, as Mississippi Choctaws.

Said Ikeness Wallace, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Ikeness Wallace.
- Q Have you a Choctaw name? A No sir, that's all my name.
- Q How old are you? A About forty-five, forty-four, somewhere along there.
- Q How much Choctaw blood have you? A Full blood Choctaw.
- Q What's your postoffice address? A I never did get no mail--I don't know which is closest.
- Q You live nearer to Coffadelliah, don't you? A Yes.
- Q In what County do you live? A In Kemper.
- Q How long have you lived in Kemper County? A Two years.
- Q Where did you live before you went to Kemper? A Neshoba.
- Q All your life? A Yes.
- Q Is your father living? A No, dead.
- Q What was his name? A Tom Wallace.
- Q Did he have a Choctaw name? A I don't know.
- Q Did he live here in Mississippi all his life? A Yes.
- Q Was he a full blood Choctaw? A Yes.
- Q When did he die? A About twelve years ago--he went off when I was a little fellow and I never did see him no more but I heard he died about twelve years ago.
- Q Where did he go to? A Yancee swamp.
- Q About how old was he when he died? A I don't know.
- Q Do you know the name of his father or his mother? A I know my grandmother's name.
- Q What was her name? A Becky Charlie.
- Q Did she have any other name--Choctaw name? A No, that's all I ever heard.
- Q Is she living? A Yes, she's living but she's sick--she's most dead.
- Q Is she a full blood Choctaw? A Yes.
- Q Is your mother living? A Dead--I don't recollect when she died.
- Q What was her name? A I never did hear her name.
- Q Is her father living? A No.
- Q What was his name? A I don't know.
- Q Is your mother's mother living? A Dead.
- Q What was her name? A Polly--that's what I heard.
- Q Did she have any other name--Choctaw name? A No, never did hear Choctaw name.
- Q Have you told us the names of all your ancestors whose names you know? A Yes.
- Q Have all of your ancestors been full blood Choctaws? A Yes.

- Q Have they all lived here in Mississippi? A Yes.  
Q Are you married? A Yes, I was married but wife died.  
Q What was your wife's name? A Sis.  
Q Was she a full blood Choctaw? A Yes.  
Q Was she older or younger than you? A Younger than I am.  
Q Live here in Mississippi all her life? A Yes.  
Q Is her father living? A Yes.  
Q What's his name? A Bill Bob.  
Q Is he a full blood Choctaw? A Yes.  
Q Has he always lived here in Mississippi? A Yes.  
Q Has he a Choctaw name? A Yes.  
Q What is it? A ~~Wick~~-any-he-nubbee.  
Q About how old a man is he? A About seventy.  
Q Is his father living? A No.  
Q Is his mother living? A No.  
Q Do you know the name of either one of them? A No.  
Q Is your wife's mother living? A Yes.  
Q What's her name? A I never did hear her name.  
Q Is she a full blood Choctaw? A Yes.  
Q Do both of your wife's parents live in Kemper County? A Yes.  
Q Have they any minor children living? A No.  
Q Do you know the name of your wife's mother's mother or father?  
A I don't know either one of them.  
Q So far as you know, have all of your wife's ancestors been full  
blood Choctaws and have they always lived herein Mississippi? A  
Yes.  
Q Were you ever married more than once? A I was married before  
I married this last woman.  
Q Did you have any children by your first wife? A No.  
Q Is your first wife living? A Dead.  
Q Have you any children living? A Two living.  
Q What are their names? A Li-subbee, about eight.  
Q Next one? A Lah-nubbee.  
Q About how old is he? A About five.  
Q How long has your wife been dead? A About two years.  
Q Are these two children the children of yourself and Sis? A Yes.  
Q With whom do these children live at this time? A Live with their  
grandparents, Bill Bob and his wife.  
Q Have you any children living with you? A No.  
Q Any old folks living with you? A No, I'm living with a white  
man.  
Q Is your name or the name of either one of these children 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 you or either one of these children for the purpose of  
establishing your rights as Choctaw Indians? A No.  
Q Do you understand article 14 of the treaty of Dancing Rabbit  
Creek? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time 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 and not move 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 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.
- Q Did any of your ancestors or any of your wife's ancestors ever do as that 14th article required a Choctaw to do in case he stayed here in Mississippi and took land and became a citizen of the States? 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 live here at that time? A I don't know--they bound to live somewhere but I don't know exactly where they did live at that time.
- Q Did any of your ancestors or any of your wife's 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.
- 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.

Ikeness Wallace et al--4

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 from the Government? A No.

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 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 or any of your wife's ancestors ever appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty? 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 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 or any of your second wife's ancestors ever receive any of this scrip from the Government? A Never saw or heard.

Q During this examination in referring to your wife's ancestors I have meant your second wife, Sis, the mother of your two children-- have you so understood me? A Yes.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of the ancestors of your second wife by the Government of the United States covering land here in Mississippi or elsewhere? A No.

Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your ancestors or any of your second 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 under that article? A No.

Q Do you know of any old persons living who would likely know about this matter? A No, I don't know of any one.

Q Don't you think Becky Charlie might know something about it?

A I think she might know something about this.

Q Is she able to come before the Commission? A No, she cant walk at all.

Q How far does she live from here? A Three or four miles.

Q What would be her postoffice address probably? A North Bend.

Q Have you any written evidence of any kind to offer at this time?

A No.

Q Any witnesses? 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 of our appointments here in Mississippi this Spring, including the one at Meridian, between April 14th and 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 With whom does Becky Charlie live? A Sweeney Amos.

Q Full blood Choctaw? A Yes.

Q About how old is Becky? A She's something over 100 years old.

Q Is she of sound mind? A She cant hear good--they could talk loud to her--her mind is all right.

Q Do you know whether any application of any description has ever been made for her for the purpose of establishing her rights as a Choctaw Indian? A Yes, I heard that she did.

Q When? A About two years ago.

Q Where? A I don't know where it was.

Q Was it at Philadelphia? A I reckon she went there.

Q Did she live over about Philadelphia three years ago? A Yes.

Q With whom? A She lived with Fat Tom--Tom Tubbee. The County fed her a while there.

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 Becky Charlie as a Mississippi Choctaw, her name appearing upon Mississippi Choctaw card Field No. 256, also upon page 68 of the Schedule of Mississippi Choctaws annexed to the

report of the Commission to the Secretary of the Interior  
of March 10, 1899, being No. 878 thereon.

- Q Did you ever hear of any other application having been made for her? A No.
- Q Do you know the name of her father or her mother? A No.
- Q Has Becky lived here in Mississippi all her life? A Yes.
- Q Has she a Choctaw name? A That's all the name I ever heard.
- Q About how old is your wife's mother? A About the same age as her husband--maybe a little older.
- Q Have you given us the names of all your wife's ancestors whose names you know? A Yes.
- Q What would likely be the postoffice address of your wife's parents Coffadeliah? A I think may be Doffadeliah--about as near as any.
- Q They live in Kemper County, do they not? A Yes.
- Q You are sure they are both full bloods? A Yes.
- Q Has Becky Charlie any minor children? A No.
- Q Has any application ever been made in behalf of your wife Sis's father or mother? A No, I think not.
- Q Have you any brothers living? A No.
- Q Any brothers dead who left children? A No.
- Q Any sisters living? A All dead.
- Q Did any of them leave children? A No.
- Q Are any of your father's brothers living? A No.
- Q Did any of them leave children? A No.
- Q Are any of your father's sisters living? A I think they're all dead.
- Q Did any of them leave children? A No.
- Q Are any of your mother's brothers or sisters living? A No.
- Q Did any of them leave children? A No.
- Q Are any of your second wife's brothers living? A No.
- Q Did any of them leave children? A No.
- Q Did your second wife ever have any sisters? A No.
- Q Are any of Bill Bob's brothers living? A No.
- Q Are any of his sisters living? A No, all dead.
- Q Did any of his brothers leave children? A No.
- Q Did any of his sisters leave children? A One left children.
- Q How many children did she leave? A Just one.
- Q What was the name of his sister who left this child? A I don't know.
- Q What's the name of the child she left? A I don't know her name but she married Smith Bell.
- Q She's living with Smith Bell now, is she? A Yes.
- Q Are any of your second wife's mother's brothers living? A If ~~xx~~ she ever had any brothers I don't know anything about it.
- Q Did she ever have any sisters? A No.
- Q Has Becky Charlie any brothers or sisters living? A No.
- Q Did she ever have any that you know of? A Not that I know of.
- Q Are there any further statements you want to make at this time in support of your application? 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 partially in English and partially through a sworn Choctaw interpreter. His testimony is the first information the Commission has had of Bill Bob and his wife and it is deemed best to consider this testimony as an application

Ikeness Wallace et al--7

in their behalf; they undoubtedly have knowledge of the presence of the Commission at this place as have all Choctaws living within a radius of six or eight miles from here. It is likewise deemed best to consider this in the light of an application in behalf of Becky Charlie who is an invalid and could not possibly appear before the Commission; she lives with a relative, Sweeney Amos, who has been notified of the presence of the Commission at this place and urged to appear before us but refuses to do so. The testimony of this applicant would have been taken separately as to these persons but he has stated that he would not give such testimony and it has been with the utmost difficulty that we have secured even this much testimony with reference to these persons.

-----

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 Seale, Mississippi, March 29, 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 6th day of April, 1902, at Seale, Mississippi.

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

(SEAL)

By J.P. Walker. Deputy

Ira S. Niles, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, states that the above and foregoing is a full, true and correct copy of transcript of stenographic notes taken by him in the proceedings had in the above entitled cause at Seale, Mississippi, on the day and date first mentioned.

  
Subscribed and sworn to before me this the 2nd day of February, 1903.

Charles W. Sawyer

Notary Public.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Cur*

-----o-----

In the matter of the application for the identification of Becky Charlie as a Mississippi Choctaw, M.C.R. 5103.

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 March 29, 1902, by Ikeness Wallace for his grand-mother Becky Charlie under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

It appears that application was also made by Ikeness Wallace at said time for the identification of himself, his two minor children, and his father-in-law and mother-in-law, but they are differently classified and are not embraced in this decision.

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:

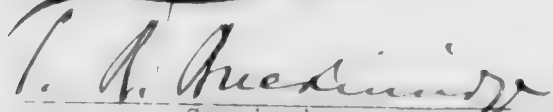
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants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

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Acting Chairman.  
  
Commissioner.

Muskogee, Indian Territory,

  
Commissioner.

FEB 14 1902

H.C.R. 5103.

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 Becky Charlie 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 Becky Charlie 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,

Registered.

Enc. W.C.B. 22.

Acting Chairman.

M.C.R. 5103

COPY.

Muskogee, Indian Territory, March 11, 1903.

Becky Charlie,  
Care of Ikeness Wallace,  
North Bend, Mississippi.

Dear Madam:

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

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

Respectfully,

*James D. Haly*  
Chairman.

Registered.

Enc. 5103

#1935

5103

No.

# For Identification as a Mississippi Choctaw.

Serial Miss

Date

MAR 1 1902

Name

Becky Charlie

by her grandson

Thomas Wallace

Age

100

Blood

full

Post Office

North Bend Miss

Father:

don't know

d

Mother:

"

"

d

Claims through

for self only

Children:

Miss Choctaw No. 256

(See Testimony of Thomas

Wallace)

Be

Stenographer

J. S. Niles

REGISTRATION AS  
APPLICANT

*Henry Charles*

REGISTRATION FORWARDED TO  
APPLICANT

MAR 11 1903

Choctaw MCR 5104

Bill Bob

Nock-Any-honubbee

by

Ikeness Wallace

MCR 5104

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

-oOo-

In the matter of the application for the identification of  
Bill Bob, et al., as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application of  
Bill Bob, et al., as Mississippi Choctaws M C R 5104.

-oOo-



COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Seale, Mississippi, March 29th, 1902.

In the matter of the application of Ikeness Wallace for the identification of himself and his two minor children Li-cubbee and Lah-rubbee, also for his grandmother Becky Charlie and his fatherinlaw and motherinlaw, Bill Bob and his wife ----- Bob, as Mississippi Choctaws.

Said Ikeness Wallace, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Ikeness Wallace.
- Q Have you a Choctaw name? A No sir, that's all my name.
- Q How old are you? A About forty-five, forty-four, somewhere along there.
- Q How much Choctaw blood have you? A Full blood Choctaw.
- Q What's your postoffice address? A I never did get no mail--I don't know which is closest.
- Q You live nearer to Coffadelliah, don't you? A Yes.
- Q In what County do you live? A In Kemper.
- Q How long have you lived in Kemper County? A Two years.
- Q Where did you live before you went to Kemper? A Meshoba.
- Q All your life? A Yes.
- Q Is your father living? A No, dead.
- Q What was his name? A Tom Wallace.
- Q Did he have a Choctaw name? A I don't know.
- Q Did he live here in Mississippi all his life? A Yes.
- Q Was he a full blood Choctaw? A Yes.
- Q When did he die? A About twelve years ago--he went off when I was a little fellow and I never did see him no more but I heard he died about twelve years ago.
- Q Where did he go to? A Yazoo swamp.
- Q About how old was he when he died? A I don't know.
- Q Do you know the name of his father or his mother? A I know my grandmother's name.
- Q What was her name? A Becky Charlie.
- Q Did she have any other name--Choctaw Name? A No, that's all I ever heard.
- Q Is she living? A Yes, she's living but she's sick--she's most dead.
- Q Is she a full blood Choctaw? A Yes.
- Q Is your mother living? A Dead--I don't recollect when she died.
- Q What was her name? A I never did hear her name.
- Q Is her father living? A No.
- Q What was his name? A I don't know.
- Q Is your mother's mother living? A Dead.
- Q What was her name? A Polly--that's what I heard.
- Q Did she have any other name--Choctaw name? A No, never did hear Choctaw name.
- Q Have you told us the names of all your ancestors whose names you know? A Yes.
- Q Have all of your ancestors been full blood Choctaws? A Yes.

- Q Have they all lived here in Mississippi? A Yes.
- Q Are you married? A Yes, I was married but wife died.
- Q What was your wife's name? A Sis.
- Q Was she a full blood Choctaw? A Yes.
- Q Was she older or younger than you? A Younger than I am.
- Q Live here in Mississippi all her life? A Yes.
- Q Is her father living? A Yes.
- Q What's his name? A Bill Bob.
- Q Is he a full blood Choctaw? A Yes.
- Q Has he always lived here in Mississippi? A Yes.
- Q Has he a Choctaw name? A Yes.
- Q What is it? A Hock-any-ho-nubbee.
- Q About how old a man is he? A About seventy.
- Q Is his father living? A No.
- Q Is his mother living? A No.
- Q Do you know the name of either one of them? A No.
- Q Is your wife's mother living? A Yes.
- Q What's her name? A I never did hear her name.
- Q Is she a full blood Choctaw? A Yes.
- Q Do both of your wife's parents live in Kemper County? A Yes.
- Q Have they any minor children living? A No.
- Q Do you know the name of your wife's mother's mother or father?
- A I don't know either one of them.
- Q So far as you know, have all of your wife's ancestors been full blood Choctaws and have they always lived herein Mississippi? A Yes.
- Q Were you ever married more than once? A I was married before I married this last woman.
- Q Did you have any children by your first wife? A No.
- Q Is your first wife living? A Dead.
- Q Have you any children living? A Two living.
- Q What are their names? A Li-cubbee, about eight.
- Q Next one? A Lah-nubbee.
- Q About how old is he? A About five.
- Q How long has your wife been dead? A About two years.
- Q Are these two children the children of yourself and Sis? A Yes.
- Q With whom do these children live at this time? A Live with their grandparents, Bill Bob and his wife.
- Q Have you any children living with you? A No.
- Q Any old folks living with you? A No, I'm living with a white man.
- Q Is your name or the name of either one of these children 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 you or either one of these children for the purpose of establishing your rights as Choctaw Indians? A No.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time 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 and not move 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 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.
- Q Did any of your ancestors or any of your wife's ancestors ever do as that 14th article required a Choctaw to do in case he stayed here in Mississippi and took land and became a citizen of the States? 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 live here at that time? A I don't know--they bound to life somewhere but I don't know exactly where they did live at that time.
- Q Did any of your ancestors or any of your wife's 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.
- 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.

Ikeness Wallace et al--4

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 from the Government? A No.

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 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 or any of your wife's ancestors ever appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty? 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 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 or any of your second wife's ancestors ever receive any of this scrip from the Government? A Never saw or heard.

- Q During this examination in referring to your wife's ancestors I have meant your second wife, Sis, the mother of your two children-- have you so understood me? A Yes.
- Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of the ancestors of your second wife by the Government of the United States covering land here in Mississippi or elsewhere? A No.
- Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your ancestors or any of your second 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 under that article? A No.
- Q Do you know of any old persons living who would likely know about this matter? A No, I don't know of any one.
- Q Don't you think Becky Charlie might know something about it? A I think she might know something about this.
- Q Is she able to come before the Commission? A No, she cant walk at all.
- Q How far does she live from here? A Three or four miles.
- Q What would be her postoffice address probably? A North Bend.
- Q Have you any written evidence of any kind to offer at this time? A No.
- Q Any witnesses? 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 of our appointments here in Mississippi this Spring, including the one at Meridian, between April 14th and 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 With whom does Becky Charlie live? A Sweeney Amos.
- Q Full blood Choctaw? A Yes.
- Q About how old is Becky? A She's something over 100 years old.
- Q Is she of sound mind? A She cant hear good--they could talk loud to her--her mind is all right.
- Q Do you know whether any application of any description has ever been made for her for the purpose of establishing her rights as a Choctaw Indian? A Yes, I heard that she did.
- Q When? A About two years ago.
- Q Where? A I don't know where it was.
- Q Was it at Philadelphia? A I reckon she went there.
- Q Did she live over about Philadelphia three years ago? A Yes.
- Q With whom? A She lived with Fat Tom--Tom Tubbee. The County fed her a while there.

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 Becky Charlie as a Mississippi Choctaw, her name appearing upon Mississippi Choctaw card Field No. 256, also upon page 68 of the Schedule of Mississippi Choctaws annexed to the

report of the Commission to the Secretary of the Interior of March 10, 1899, being No. 878 thereon.

- Q Did you ever hear of any other application having been made for her? A No.
- Q Do you know the name of her father or her mother? A No.
- Q Has Becky lived here in Mississippi all her life? A Yes.
- Q Has she a Choctaw name? A That's all the name I ever heard.
- Q About how old is your wife's mother? A About the same age as her husband--maybe a little older.
- Q Have you given us the names of all your wife's ancestors whose names you know? A Yes.
- Q What would likely be the postoffice address of your wife's parents Coffadeliah? A I think may be Doffadeliah--about as near as any.
- Q They live in Kemper County, do they not? A Yes.
- Q You are sure they are both full bloods? A Yes.
- Q Has Becky Charlie any minor children? A No.
- Q Has any application ever been made in behalf of your wife Sis's father or mother? A No, I think not.
- Q Have you any brothers living? A No.
- Q Any brothers dead who left children? A No.
- Q Any sisters living? A All dead.
- Q Did any of them leave children? A No.
- Q Are any of your father's brothers living? A No.
- Q Did any of them leave children? A No.
- Q Are any of your father's sisters living? A I think they're all dead.
- Q Did any of them leave children? A No.
- Q Are any of your mother's brothers or sisters living? A No.
- Q Did any of them leave children? A No.
- Q Are any of your second wife's brothers living? A No.
- Q Did any of them leave children? A No.
- Q Did your second wife ever have any sisters? A No.
- Q Are any of Bill Bob's brothers living? A No.
- Q Are any of his sisters living? A No, all dead.
- Q Did any of his brothers leave children? A No.
- Q Did any of his sisters leave children? A One left children.
- Q How many children did she leave? A Just one.
- Q What was the name of his sister who left this child? A I don't know.
- Q What's the name of the child she left? A I don't know her name but she married Smith Bell.
- Q She's living with Smith Bell now, is she? A Yes.
- Q Are any of your second wife's mother's brothers living? A If ~~xx~~ she ever had any brothers I don't know anything about it.
- Q Did she ever have any sisters? A No.
- Q Has Becky Charlie any brothers or sisters living? A No.
- Q Did she ever have any that you know of? A Not that I know of.
- Q Are there any further statements you want to make at this time in support of your application? 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 partially in English and partially through a sworn Choctaw interpreter. His testimony is the first information the Commission has had of Bill Bob and his wife and it is deemed best to consider this testimony as an application

Ikeness Wallace et al--7

in their behalf; they undoubtedly have knowledge of the presence of the Commission at this place as have all Choc-taws living within a radius of six or eight miles from here. It is likewise deemed best to consider this in the light of an application in behalf of Becky Charlie who is an invalid and could not possibly appear before the Commission; she lives with a relative, Sweeney Amos, who has been notified of the presence of the Commission at this place and urged to appear before us but refuses to do so. The testimony of this applicant would have been taken separately as to these persons but he has stated that he would not give such testimony and it has been with the utmost difficulty that we have secured even this much testimony with reference to these persons.

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 Seale, Mississippi, March 29, 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 5th day of April, 1902,  
at Seale, Mississippi.

(SEAL)

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

By J.P. Walker. Deputy

Ira S. Niles, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, states that the above and foregoing is a full, true and correct copy of transcript of stenographic notes taken by him in the proceedings had in the above entitled cause at Seale, Mississippi, on the day and date first mentioned.

Subscribed and sworn to before me this the 2nd day of February, 1903.

  
Notary Public.

H C R 2104.

Muskogee, Indian Territory, February 2, 1903.

Bill Bob,

Coffadellah, Mississippi.

Dear Sir-

It appears from the records of the Commission that on March 29, 1902, an application was made to this Commission at Beale, Mississippi, for the identification of yourself and your wife as Mississippi Chestaws. At that time the Commission was unable to obtain information as to your parentage and that of your wife, and in order to make the record in your case complete it is necessary that information on this subject be furnished. For this purpose, there is enclosed herewith a blank affidavit which you are requested to take before some notary public, and answer the questions therein contained, after which you will please return the same promptly to this Commission in the enclosed addressed envelope which requires no postage. This matter should receive your prompt attention.

Yours truly,

*James Bixby.*

Acting Chairman.

Enc. H C R---3  
Addressed Envelope.  
Register.



MERIDIAN, MISSISSIPPI, October 3, 1903.

Bill Bob,

Cottadellah, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on March 29, 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 3 P. M.

Very respectfully,

Special Agent.

No. 87---MCR5104.

POOR ORIGINAL -

Meridian, Mississippi, November 27, 1903

Bill Bob,

Coffadelliah, Mississippi.

Dear Sir-

Under date of October 3, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 29, 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 87

Special Agent.

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

-oOo-

In the matter of the application for the identification of  
Bill Bob, et al., as Mississippi Choctaws, M.C.R. 5104.

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

It does not appear from the records of this Commission that any application has ever been made for the identification of Bill Bob and his wife Mrs. Bill Bob, as Mississippi Choctaws under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495).

It does appear, however, that this application was docketed from testimony taken in the case of Ikeness Wallace, et al., M.C.R. 5102, with the evident intention of having the applicants herein appear before this Commission in person and testify relative to their rights as Mississippi Choctaws, prior to the expiration of the time allowed by law in which to make applications for identification as Mississippi Choctaws. Although these applicants have been repeatedly requested to appear before this Commission and give such

-2-

testimony, they have failed to do so.

It is therefore the opinion of this Commission that the application for the identification of Bill Bob and Mrs. Bill Bob should be dismissed, and it is so ordered.

COMMISSION TO THE ~~INDIAN~~ CIVILIZED TRIBES.

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

Muskogee, Indian Territory,

SEP 13 1904

*File*



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

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

M C R5104.

ALLISON L. AYLESWORTH  
SECRETARY

AGENTS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 30, 1903.

William O. Beall,  
Clerk in Charge,  
Choctaw-Chickasaw Enrollment Division.

Dear Sir-

There has been transmitted to the Mississippi Choctaw Legal Department an application numbered 5102, being that of Ikeness Wallace et al., for the preparation of a decision identifying the applicants as full-blood Mississippi Choctaws. The field card in this application shows that Ikeness Wallace applied for himself and two minors, presumably his children, named Li-cubbee and Lah-nubbee Wallace. The testimony shows that these two persons are his children and it also shows that he testified in regard to his grandmother, Becky Charlie, his father-in-law, Bill Bob, and his mother-in-law, \_\_\_\_\_ Bob. The examiner in his notes says "his testimony is the first information the Commission has had of Bill Bob and it is deemed best to consider this testimony as an application in their behalf" etc.

*in its nature*

This case is identical with M C R 5111, 5107 and 5108, in which applications were considered as having been made for certain persons by Mary Frazier, she having mentioned them in her testimony. It is therefore deemed best that the record in this case be returned to the files in order that it may be determined whether or not an

COMMISSIONERS

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

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

ALLISON L. AYTESWORTH  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

W O B 2

application is considered as having been made by Ikeness Wallace for his grandmother, father-in-law and mother-in-law.

Yours truly,

*Chas. W.*

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

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

PLEASE IN REPLY REFER TO FOLLOWING

M C R 5104.

Muskogee, Indian Territory, February 2, 1903.

Bill Bob,

Coffadelliah, Mississippi.

Dear Sir- \*

It appears from the records of the Commission that on March 29, 1902, an application was made to this Commission at Seale, Mississippi, for the identification of yourself and your wife as Mississippi Choctaws. At that time the Commission was unable to obtain information as to your parentage and that of your wife, and in order to make the record in your case complete it is necessary that information on this subject be furnished. For this purpose, there is enclosed herewith a blank affidavit which you are requested to take before some notary public, and answer the questions therein contained, after which you will please return the same promptly to this Commission in the enclosed addressed envelope which requires no postage. This matter should receive your prompt attention.

Yours truly,



Acting Chairman.

Enc. H C R---3  
Addressed Envelope.  
Register.

M.C.R. 5104

COPY.

Muskogee, Indian Territory, September 13, 1904.

Bill Bob,

Coffadelliah, Mississippi.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated September 13, 1904, dismissing your application for identification as Mississippi Choctaws of yourself, and wife Mrs Bill Bob.

Respectfully,

(SIGNED)

*Tame Bixby.*

Chairman.

Incl. MCR. 5104.



M.C.R. 104  
COPY.

Muskogee, Indian Territory, September 13, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated September 13, 1904, dismissing the application for identification as Mississippi Choctaws of Bill Bob and wife, Mrs. Bill Bob.

Respectfully

(SIGNED)

*James Bixby.*  
Chairman.

Incl. MCR 5104.

For Identification as a Mississippi Choctaw.

Seale, Miss. Date 1902

Name Bill Bob (Mock-any-ho-mubbee)  
by son-in-law Skene Wallace

Age 70 Blood free

Post Office, Coffadeleah Miss

Father: dont know d

Mother: " " d

Claims through  
wife - Bill Bob (aged 70)

Father dont know d

mother " " d

Children:

*[Faint handwritten notes, possibly names of children]*

Stenographer

J. J. Miles

This envelope can only be used for reply to official communications. The address MUST NOT be changed.

**RETURN PENALTY ENVELOPE.**

Department of the Interior.

Commission to the Five Civilized Tribes,

**MUSKOGEE, IND. TER.**

**OFFICIAL BUSINESS.**

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

**THE COMMISSION TO THE FIVE CIVILIZED TRIBES,**

**MUSKOGEE,**

**IND. TER.**

Choctaw MCR 5105

Sallie Scott

See MCR 2348

MCR 5105

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of the  
application for the identification of Sallie Scott as a  
Mississippi Choctaw-----M.C.R. 5105

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the identification  
of Sallie Scott as a Mississippi Choctaw M.C.R. 5105

I N D E X

	Page
Original application of Marshall Scott for the identification of his wife Sallie Scott as a Mississippi Choctaw	1
Decision of the Commission identifying Sallie Scott as a Mississippi Choctaw	3

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Seale, Mississippi, March 31, 1902.

In the matter of the application of Sallie Scott for identification as a Mississippi Choctaw, represented by her husband, Marshall Scott.

Marshall Scott, 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 Marshall Scott.  
Q How old are you Marshall? A I was twenty two last year.  
Q Are you a full blood Choctaw? A Yes.  
Q What's your post office address now? A North Bend.  
Q Are you the Marshall Scott who appeared before the Commission at Meridian, Mississippi, on the 23rd day of last May, and made application for identification as a Mississippi Choctaw? A Yes.

(See Mississippi Choctaw Card, Field Number R-2348.)

Q Were you married at that time? A No.  
Q Are you married now? A Yes.  
Q Are you living with your wife at this time? A Yes.  
Q When did you marry her? A Some time last year.  
Q After you appeared before the Commission at Meridian? A Yes.  
Q Were you married to her under a license or according to the Choctaw custom? A Choctaw custom.  
Q How old is she? A I don't know.  
Q About how old? A About twenty five.  
Q Is she a full blood Choctaw? A Yes.  
Q What's her name? A Sallie.  
Q Is her father living? A Yes.  
Q What's his name? A Mingo Mark.  
Q Is her mother living? A No.  
Q What was her name? A I don't know.  
Q Is the Mingo Mark who appeared before the Commission here this morning your wife's father? A Yes.  
Q Has your wife any children living? A No.  
Q Has any application of any kind ever been made for your wife before today for the purpose of establishing ~~you~~ her rights as a Choctaw Indian? A No.  
Q You heard the entire examination of her father, Mingo Mark, did you not, this morning? A Yes.  
Q Do you know any more about her ancestors having complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever having received any benefits thereunder, than the information given to the Commission by him in his testimony? A No.  
Q Did you ever hear of any of her people ever having gotten any land from the Government? A No.  
Q Or any money? A No.

Sallie Scott, 2.

Q Do you know of any old person living who would likely know whether any of your wife's ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A 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.

Q Have you any written evidence to offer? A No.

Q Any witnesses? A No.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any one of our appointments here in Mississippi this 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.

Q Is your wife here to-day? A Yes.

(The applicant, and his wife, who is also present before the Commission, have the appearance of being a full blood Indian. He can understand the Choctaw language, and very little English, the examination having been conducted entirely through a sworn Choctaw interpreter.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 31st day of March, 1902, at Seale, Mississippi and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings insaid cause upon said date.

Subscribed and sworn to before me at Toles, Mississippi, this 9th day of April, 1902.

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

By *[Signature]*

Deputy.



5106

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Beale, Mississippi, March 31, 1902.

In the matter of the application of Mingo Mark, for the identification of himself, his four minor children, John, Horace, Luisa, and Louisa, and two minor orphans, Solomon Mark and Lasen Mark, as Mississippi Choctaws.

Mingo Mark, having been first duly sworn, upon his oath testified as follows: (Oscary Billy, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Mingo Mark.  
Q How old are you? A About fifty four.  
Q How much Choctaw blood have you? A Full blood.  
Q What's your post office address? A North Bend, Mississippi.  
Q Do you live in Neshoba County? A Yes.  
Q How long have you lived in Neshoba County? A All my life.  
Q Is your father living? A Died about eight years ago.  
Q What was his name? A Mark.  
Q Now, did he have any other name Mingo, - Choctaw name? A I don't know.  
Q About how old was he when he died? A I reckon he was about seventy.  
Q Was he a full blood Choctaw? A Yes.  
Q Did he live here in Mississippi all his life? A I reckon so; I never heard of him living in any other State.  
Q Do you know the name of his father, or his mother? A No.  
Q Is your mother living? A No.  
Q What was her name? A Sokey.  
Q Did she have a Choctaw name? A Never heard of it, if she did.  
Q Was she a full blood Choctaw? A Yes.  
Q Live here in Mississippi all her life? A Yes.  
Q About how old would she be if she were living now? A She would be about seventy.  
Q Do you know the name of her father or her mother? A No.  
Q Have you told us the names of all of your ancestors whose names you know? A Yes.  
Q So far as you know have all of your ancestors been full blood Choctaws, and have they all lived here in Mississippi? A Yes.  
Q Are you married? A Yes.  
Q Is your wife living? A No.  
Q What was her name? A Nancy.  
Q How long has she been dead? A Little over a year.  
Q Was she a full blood Choctaw? A Yes.  
Q Did she live here in Mississippi all her life? A Yes.  
Q Was she older or younger than you? A Younger.  
Q Were you married more than once? A Yes, my first wife died and I married again, and she died.  
Q Have you any children by your first wife? A Yes, two, but they are of age.  
Q What was the name of Nancy's father? A Lewis.

Mingo Mark, et al., 2.

- Q Is he living? A No.
- Q Was he a full blood Choctaw? A Yes.
- Q Lived here in Mississippi all his life? A Yes.
- Q Did he have any other name besides Lewis? A I don't know.
- Q Didn't he have a Choctaw name? A Im-oh-lah.
- Q How old would he be if he were living now? A I don't know; I have seen him once or twice when I was a boy; I don't know how old he would be.
- Q Haven't any idea? A No.
- Q Do you know the name of his father, or his mother? A No.
- Q Is Nancy's mother living? A Dead.
- Q What was her name? A I don't know.
- Q Was she a full blood Choctaw? A I think so.
- Q Lived here in Mississippi all her life? A Yes.
- Q Do you know the name of her father or her mother? A I know her father, I don't know her mother.
- Q What was her father's name? A Tuf-fa-mah.
- Q How long has he been dead? A Long time; I just can recollect seeing him.
- Q Was he a full blood Choctaw? A Yes.
- Q Lived here in Mississippi all his life? A Yes.
- Q Were you married to Nancy under a license or according to the Choctaw custom? A Choctaw custom.
- Q How long did you live with her? A Five years.
- Q Have you any children living by her? A One.
- Q What's that child's name? A Louisa.
- Q About how old is she? A Five years old.
- Q Is she living with you now? A Yes.
- Q Have you any other children who are under twenty one years of age and unmarried? A Yes, two more.
- Q Have you any other children living with you besides your own children and Solomon? A His sister is there too.
- Q What are the names of your two children by your first wife who are living with you? A Horace.
- Q How old is Horace? A Sixteen.
- Q How old is Jehn? A About nineteen; older than Horace.
- Q What's the name of the next one after Horace? A Twelve.
- Q What's the name? A Luiza.
- Q You have given two, then, one named Louisa and one Luiza? A Yes.
- Q How old is Luiza? A Fourteen.
- Q Have you any other children by your first wife living who are not of age and unmarried? A Yes, them two that are of age.
- Q What's the name of the two of age? A Gibson Mark.
- Q Is he married? A Yes.
- Q What's his wife's name? A I don't know.
- Q What is the name of your other child who is of age? A Sallie Scott the wife of Marshall Scott.
- Q What was the name of the mother of these children? A Susan.
- Q Was she a full blood Choctaw? A Yes.
- Q How long has she been dead? A I don't know.
- Q Did she live here in Mississippi all her life? A Yes.
- Q Is her father living? A No.
- Q What was his name? A Both of my wives were sisters.
- Q How long did you live with Susan? A Nearly thirty years.
- Q Are Jehn, Horace and Luiza living with you now? A Yes.
- Q Have you any other children living in your family? A Yes.

Wingo Mark, et al., 3.

- Q How many? A Two.  
Q What are their names? A Solomon Mark.  
Q How old? A About twenty.  
Q Next one? A Lasen.  
Q Girl or boy? A Girl.  
Q How old is Lasen? A She's about twenty one.  
Q Is she married? A No.  
Q How long have these children been living with you - Solomon and Lasen? A The boy has lived with me seventeen years.  
Q How long has the girl lived with you? A About seven years.  
Q Have you supported and looked after them the same as if they were members of your own family have you? A Yes.  
Q What's the name of their father? A Billy Mark.  
Q Is he living? A No, he's dead long time.  
Q Was he a full blood Choctaw? A Yes.  
Q Lived here in Mississippi all his life? A Yes.  
Q Is the mother of these two children living? A No.  
Q What was her name? A Amy.  
Q Was she a full blood Choctaw? A Yes.  
Q Did she live here in Mississippi all her life? A Yes.  
Q Is her father living? A Amy was a full sister to my two wives.  
Q Have you give us the names of all of ~~years~~ the Choctaws who are living in your family? A Yes.  
Q Is your name, or 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.  
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.  
Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaws lived here in Mississippi and 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. 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

Mingo Mark, et al., 4.

of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter 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.

Q Did any of your ancestors, or any of the ancestors of your wife, Nancy, ever do as that 14th article said a Choctaw should do in case he preferred to stay here in Mississippi and take land 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 live here at that time? 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? A No, I don't know if they did.

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, I don't know, if they did.

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

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 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

Mingo Mark, et al., 5.

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 1842, and heard a great many of these Choctaws cases.

Q Did any of your ancestors, or any of the ancestors of your wife, Nancy, appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I never heard if they did.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided 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, or any of the ancestors of your wife, Nancy, ever get any of this scrip from the Government of the United States under this Act of Congress? A I never heard it if they did.

Q Did you ever see, or hear of, any deed or patent issued to any of your ancestors, or any of the ancestors of your wife, Nancy, covering land received from the Government? A Never did see or hear of any.

Q Do you know of any old person living who would likely know whether any of your ancestors, or any of your wife Nancy's ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No, don't know ~~the~~ 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 Don't know of any.

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

Q Any witnesses? A No.

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 within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Mingo Mark, et al., 6.

- Q Are there any further statements you want to make at this time?  
A No.  
Q Have you any children dead who left children? A No.  
Q How many brothers have you dead? A Two.  
Q Did both of them leave children? A No, just Billy.  
Q How many of Billy's children are living now? A Three.  
Q Two of them are Solomon and Lasen living with you? A Yes.  
Q What's the name of the other one? A George.  
Q Where does he live? A Down about Philadelphia with Ishman Tuffamah.

The records of the Commission show that on March 5, 1902, George Billy appeared before the Commission at Philadelphia, Mississippi, giving his name as George Billy.

- Q What's his wife's name? A Minerva Billy.  
Q Have you any sisters living? A One.  
Q What's her name? A Niki Winnie Bell, wife of Wash Bell.  
Q Have you any sisters dead? A Two dead.  
Q Did either of them leave children? A No.  
Q Are any of your father's brothers or sisters, or any of his their children or grand children living? A Not that I know of.  
Q Are any of your mother's brothers or sisters, or any of their children or grand children living? A I heard that one of my mother's brothers is living and went out to the Territory.  
Q When did he go out there? A Before I could recollect.  
Q What was his name? A I don't know.  
Q You don't know, then, whether any of your mother's brothers or sisters, or any of their children or grand children are living now?  
A I don't know.  
Q Are any of your wife Nancy's brothers living? A Yes, one, Ishman Tuffamah.  
Q Has she any other brothers living? A No.  
Q Has she any brothers dead who left children? A No, I think she just has one brother.  
Q Has she any sisters living? A One living.  
Q What's her name? A Martha.  
Q Is she married? A Yes.  
Q What's her husband's name? A Tom Steve.  
Q How many sisters has your wife who are now dead? A Two.  
Q One of them was your first wife, and the other one was your brother Billy's wife? A Yes.  
Q Are any of your wife's father's brothers or sisters or any of their children or grand children living? A No.  
Q Are any of your wife's mother's brothers or sisters, or any of their children, or grand children living? 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 partially through a sworn Choctaw interpreter. He has living with him a niece, Lasen Mark, whom it appears from the testimony of the applicant is of age; owing to the fact that it is not probable that an appearance could be secured from her at this time, it is deemed proper to permit this

Mingo Mark, et al., v.

applicant to give in her name.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 31st day of March, 1902, at Seale, 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 Toles, Mississippi, this 8th day of April, 1902.

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

By *[Signature]*

Deputy.

*Cow*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the identification of Sallie Scott, as a Mississippi Choctaw, M.C.R. 5105.

----- 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 March 31, 1902, by Marshall Scott for his wife, Sallie Scott, 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 Sallie Scott should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE SEVERAL CIVILIZED TRIBES

----- Acting Chairman -----

----- Commissioner -----

----- Commissioner -----

Muskogee, Indian Territory

SEP 14 1902

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

ALLISON L. AYLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 7, 1903.

William O. Beall,

Clerk in Charge Choctaw-Chickasaw Enrollment Division,

Dear Sir:-

There was transmitted to the Mississippi Choctaw Legal Department, an application numbered M.C.R. 5105, wherein application is made by Marshall Scott for his wife Sallie Scott, A decision was prepared identifying said applicant as a full blood Mississippi Choctaw and transmitted to the Commissioners for signature and by them returned without any notation as to the reason for such return.

From an examination of the application made for the said Sallie Scott, it appears that no testimony was given in regard to the blood of said applicant's parents, though it was stated that she was a full blood.

From an examination of the testimony of Mingo Mark, taken at Seale, Mississippi on March 31, 1902, it appears that the said Mingo Mark was the father of Sallie Scott and that he was a full blood, the son of full blood parents. He claims to have been married to a full blood woman and states that her father was a full blood but he is not certain as to her mother being a full blood; thus it would seem that some doubt exists as to the applicant Sallie Scott being a full blood Choctaw and it might be advisable to secure additional evidence on this point.

-2-

The record is therefore returned to the files for such action as may be deemed necessary.

Respectfully,

*Chasou Wray*

M.O.R. 5105.

Muskogee, Indian Territory, April 11, 1903.

**Sallie Scott,**

**North Bend, Mississippi.**

Dear Madam:

It appears from our records that on March 31, 1902, Marshall Scott appeared before this Commission at Seale, Mississippi, and made application for your identification as a Mississippi Choctaw.

From his testimony given at that time, the Commission is unable to determine whether or not you are a full blood Choctaw Indian; and for the purpose of obtaining this information, there is enclosed you herewith a blank affidavit in interrogatory form, which you are requested to take before a notary public and answer under oath the questions therein propounded, returning the affidavit to this Commission when properly executed in the enclosed envelope.

This matter should receive your immediate attention, as no further steps can be taken in the matter of the application for your identification as a Mississippi Choctaw until this affidavit is returned.

Respectfully,

Env.

Enc B I 28-15.

Chairman.

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

ALLISON L. AYLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M.O.R. 5105.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, September 5, 1903.

H. Van V. Smith,  
Special Agent of the Government,  
Meridian, Mississippi.

Dear Sir:

There is enclosed you herewith one copy of the testimony in the matter of the application of Sallie Scott, of Northbend, Mississippi, for her identification as a Mississippi Choctaw.

The husband of the applicant in this case is unable to give any information as to this applicant's mother; and you are directed, if possible, to secure from Sallie Scott or some other person or persons who have knowledge of this applicant, an affidavit, deposition or such other testimony as is procurable relative to said ancestor.

If you are able to secure this evidence, please return the same, together with the record in the case, at the earliest practicable date, in order that a decision may be prepared.

Respectfully,

Chairman.

Enc.: M.O.R. 5105.

Meridian, Mississippi, September 23, 1903

Ballie Scott,

North Bend, Mississippi.

Dear Madam-

It appears from the records of the Commission that on March 31, 1902, application was made for your identification as a Mississippi Choctaw.

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 right to identification as a Mississippi Choctaw

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,

File No. 3  
M C R 5105

Special Agent.

Meridian, Mississippi, November 17, 1903.

Sallie Scott,

North Bend, Mississippi.

Dear Madam-

Under date of September 23, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 31, 1902, application was made for your identification as a Mississippi Choctaw.

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 right to identification as a Mississippi Choctaw.

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 3

Special Agent.

For Identification as a Mississippi Choctaw.

*Scale Miss.*  
Date

MAR 31 1902

Name *Marshall Scott*

*Miss. Choctaw R. 2348.*

Age *22* Blood *Full.*

Post Office, *North Bend, Miss.*

Father:

Mother:

Claims through

wife	<i>Sallie Scott</i>	<i>(full)</i>	<i>25</i>
Father	<i>Minigo</i>	<i>Mark</i>	<i>"</i>
Mother	<i>don't know</i>	<i>"</i>	<i>"</i>

*(For wife only.)*

Children:

Stenographer

*R. J. Strain*



Choctaw MCR 5106

Mingo Mark

MCR 5106

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--- O ---

In the matter of the application of Mingo Mark, et al.,  
for identification as Mississippi Choctaws, H.C.R. 5106.

--- O ---

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mingo Mark, et al.,  
for identification as Mississippi Choctaws, H.C.R. 5103.

INDEX

	(Page)
Original application of Mingo, Mark, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Decision of the Commission identifying above applicants...	8

5106

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Seale, Mississippi, March 31, 1902.

In the matter of the application of Mingo Mark, for the identification of himself, his four minor children, John, Horace, Luiza, and Louisa, and two minor orphans, Solomon Mark and Lasen Mark, as Mississippi Choctaws.

Mingo Mark, having been first duly sworn, upon his oath testified as follows: (Oscary Billy, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Mingo Mark.
- Q How old are you? A About fifty four.
- ✓ Q How much Choctaw blood have you? A Full blood.
- Q What's your post office address? A North Bend, Mississippi.
- Q Do you live in Neshoba County? A Yes.
- Q How long have you lived in Neshoba County? A All my life.
- ✓ Q Is your father living? A Died about eight years ago.
- ✓ Q What was his name? A Mark.
- Q Now, did he have any other name Mingo, - Choctaw name? A I don't know.
- Q About how old was he when he died? A I reckon he was about seventy.
- ✓ Q Was he a full blood Choctaw? A Yes.
- Q Did he live here in Mississippi all his life? A I reckon so; I never heard of him living in any other State.
- Q Do you know the name of his father, or his mother? A No.
- ✓ Q Is your mother living? A No.
- ✓ Q What was her name? A Sookey.
- Q Did she have a Choctaw name? A Never heard of it, if she did.
- ✓ Q Was she a full blood Choctaw? A Yes.
- Q Live here in Mississippi all her life? A Yes.
- Q About how old would she be if she were living now? A She would be about seventy.
- Q Do you know the name of her father or her mother? A No.
- Q Have you told us the names of all of your ancestors whose names you know? A Yes.
- ✓ Q So far as you know have all of your ancestors been full blood Choctaws, and have they all lived here in Mississippi? A Yes.
- Q Are you married? A Yes.
- ✓ Q Is your wife living? A No.
- ✓ Q What was her name? A Nancy.
- Q How long has she been dead? A Little over a year.
- ✓ Q Was she a full blood Choctaw? A Yes.
- Q Did she live here in Mississippi all her life? A Yes.
- Q Was she older or younger than you? A Younger.
- ✓ Q Were you married more than once? A Yes, my first wife died and I married again, and she died.
- Q Have you any children by your first wife? A Yes, two, but they are of age.
- ✓ Q What was the name of Nancy's father? A Lewis.

Mingo Mark, et al., 2.

- Q Is he living? A No.
- ✓ Q Was he a full blood Choctaw? A Yes.
- Q Lived here in Mississippi all his life? A Yes.
- Q Did he have any other name besides Lewis? A I don't know.
- Q Didn't he have a Choctaw name? A Im-ok-lah.
- Q How old would he be if he were living now? A I don't know; I have seen him once or twice when I was a boy; I don't know how old he would be.
- Q Haven't any idea? A No.
- Q Do you know the name of his father, or his mother? A No.
- ✓ Q Is Nancy's mother living? A Dead.
- Q What was her name? A I don't know.
- ✓ Q Was she a full blood Choctaw? A I think so.
- Q Lived here in Mississippi all her life? A Yes.
- Q Do you know the name of her father or her mother? A I know her father, I don't know her mother.
- ✓ Q What was her father's name? A Tuf-fa-mah.
- Q How long has he been dead? A Long time; I just can recollect seeing him.
- ✓ Q Was he a full blood Choctaw? A Yes.
- Q Lived here in Mississippi all his life? A Yes.
- Q Were you married to Nancy under a license or according to the Choctaw custom? A Choctaw custom.
- Q How long did you live with her? A Five years.
- ✓ Q Have you any children living by her? A One.
- ✓ Q What's that child's name? A Louisa.
- Q About how old is she? A Five years old.
- Q Is she living with you now? A Yes.
- Q Have you any other children who are under twenty one years of age and unmarried? A Yes, two more.
- ✓ Q Have you any other children living with you besides your own children and Solomon? A His sister is there too.
- ✓ Q What are the names of your two children by your first wife who are living with you? A Horace.
- Q How old is Horace? A Sixteen.
- Q How old is John? A About nineteen; older than Horace.
- Q What's the name of the next one after Horace? A Twelve.
- Q What's the name? A Luiza.
- ✓ Q You have given two, then, one named Louisa and one Luiza?
- A Yes.
- Q How old is Luiza? A Fourteen.
- Q Have you any other children by your first wife living who are not of age and unmarried? A Yes, them two that are of age.
- Q What's the name of the two of age? A Gibson Mark.
- Q Is he married? A Yes.
- Q What's his wife's name? A I don't know.
- Q What is the name of your other child who is of age? A Sallie Scott the wife of Marshall Scott.
- ✓ Q What was the name of the mother of these children? A Susan.
- ✓ Q Was she a full blood Choctaw? A Yes.
- Q How long has she been dead? A I don't know.
- Q Did she live here in Mississippi all her life? A Yes.
- Q Is her father living? A No.
- Q What was his name? A Both of my wives were sisters.
- Q How long did you live with Susan? A Nearly thirty years.
- Q Are John, Horace and Luiza living with you now? A Yes.
- Q Have you any other children living in your family? A Yes.

Wingo Mark, et al., 3.

- Q How many? A Two.
- ✓Q What are their names? A Solomon Mark.
- ✓Q How old? A About twenty.
- ✓Q Next one? A Lasen.
- Q Girl or boy? A Girl.
- Q How old is Lasen? A She's about twenty one.
- Q Is she married? A No.
- Q How long have these children been living with you - Solomon and Lasen? A The boy has lived with me seventeen years.
- Q How long has the girl lived with you? A About seven years.
- Q Have you supported and looked after them the same as if they were members of your own family have you? A Yes.
- ✓Q What's the name of their father? A Billy Mark.
- Q Is he living? A No, he's dead long time.
- ✓Q Was he a full blood Choctaw? A Yes.
- Q Lived here in Mississippi all his life? A Yes.
- ✓Q Was the mother of these two children living? A No.
- ✓Q What was her name? A Amy.
- ✓Q Was she a full blood Choctaw? A Yes.
- Q Did she live here in Mississippi all her life? A Yes.
- ✓Q Is her father living? A Amy was a full sister to my two wives.
- Q Have you give us the names of all of ~~xxxx~~ the Choctaws who are living in your family? A Yes.
- Q Is your name, or 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.
- 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 Choct w Indians? A No.
- Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaws lived here in Mississippi and 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. 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

Mingo Mark, et al., 4.

of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter 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.

Q Did any of your ancestors, or any of the ancestors of your wife, Nancy, ever do as that 14th article said a Choctaw should do in case he preferred to stay here in Mississippi and take land 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 live here at that time? 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? A No, I don't know if they did.

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, I don't know, if they did.

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

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 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

4

Mingo Mark, et al., 5.

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 Choctaws cases.

Q Did any of your ancestors, or any of the ancestors of your wife, Nancy, appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I never heard if they did.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided 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, or any of the ancestors of your wife, Nancy, ever get any of this scrip from the Government of the United States under this Act of Congress? A I never heard it if they did.

Q Did you ever see, or hear of, any deed or patent issued to any of your ancestors, or any of the ancestors of your wife, Nancy, covering land received from the Government? A Never did see or hear of any

Q Do you know of any old person living who would likely know whether any of your ancestors, or any of your wife Nancy's ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No, don't know ~~the~~ 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 Don't know of any.

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

Q Any witnesses? A No.

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 within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.



Mingo Mark, et al., 6.

- Q Are there any further statements you want to make at this time?  
A No.  
Q Have you any children dead who left children? A No.  
Q How many brothers have you dead? A Two.  
Q Did both of them leave children? A No, just Billy.  
Q How many of Billy's children are living now? A Three.  
Q Two of them are Solomon and Lasen living with you? A Yes.  
Q What's the name of the other one? A George.  
Q Where does he live? A Down about Philadelphia with Ishman Tuffamah.

The records of the Commission show that on March 5, 1902, George Billy appeared before the Commission at Philadelphia, Mississippi, giving his name as George Billy.

- Q What's his wife's name? A Minerva Billy.  
Q Have you any sisters living? A One.  
Q What's her name? A ~~Will~~ Winnie Bell, wife of Wash Bell.  
Q Have you any sisters dead? A Two dead.  
Q Did either of them leave children? A No.  
Q Are any of your father's brothers or sisters, or any of his children or grand children living? A Not that I know of.  
Q Are any of your mother's brothers or sisters, or any of their children or grand children living? A I heard that one of my mother's brothers is living and went out to the Territory.  
Q When did he go out there? A Before I could recollect.  
Q What was his name? A I don't know.  
Q You don't know, then, whether any of your mother's brothers or sisters, or any of their children or grand children are living now?  
A I don't know.  
Q Are any of your wife Nancy's brothers living? A Yes, one, Ishman Tuffamah.  
Q Has she any other brothers living? A No.  
Q Has she any brothers dead who left children? A No, I think she just has one brother.  
Q Has she any sisters living? A One living.  
Q What's her name? A Martha.  
Q Is she married? A Yes.  
Q What's her husband's name? A Tom Steve.  
Q How many sisters has your wife who are now dead? A Two.  
Q One of them was your first wife, and the other one was your brother Billy's wife? A Yes.  
Q Are any of your wife's father's brothers or sisters or any of their children or grand children living? A No.  
Q Are any of your wife's mother's brothers or sisters, or any of their children, or grand children living? 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 partially through a sworn Choctaw Interpreter. He has living with him a niece, Lasen Mark, whom it appears from the testimony of the applicant is of age; owing to the fact that it is not probable that an appearance could be secured from her at this time, it is deemed proper to permit this

Mingo Mark, et al., 7.

applicant to give in her name.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 31st day of March, 1902, at Seale, 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 Toles, Mississippi, this 8th day of April, 1902.

*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.

*Case*

-----o-----

In the matter of the application of Mingo Mark, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5106.

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 March 31, 1902, by Mingo Mark for himself, his four minor children John, Horace, Luiza and Louisa Mark, his minor nephew Solomon Mark, and his minor niece Lasen Mark 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 there-to and make report to the Secretary of the Interior."


From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902 (32 Stats., 641) and ratified by the Choctaw and Chickasaw Nations September 20, 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 Kingo Mark, John Mark, Horace Mark, Luiza Mark, Louisa Mark, Solomon Mark and Lasen Mark 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,

*W. E. Harvey*

APR 11 1903

COPY.

H.O.R. 5106.

Muskogee, Indian Territory, April 11, 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 11, 1903, identifying Mingo Mark, his children, John Mark, Horace Mark, Luiza Mark and Louisa Mark, his nephew, Solomon Mark, and niece, Lasen Mark, 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 Mingo Mark, his children, nephew and niece 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 name of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully, *James P. Kirby*  
(SIGNED),  
Chairman.

Registered.  
ENC.: 5106.

COPY.

M.C.R. 5106

Muskogee, Indian Territory, April 27, 1903.

Mingo Mark,

North Bend, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 11, 1903, identifying yourself, four minor children, John Mark, Horace Mark, Luisa Mark and Louisa Mark, and minor nephew, Solomon Mark, and minor niece, Lasen Mark, as Mississippi Choctaw Indians under the provisions of article 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 11, 1903, you will have six months from that date, or until April 11, 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,

~~CONFIDENTIAL~~

*James Bixby*  
Chairman.

Registered.

Enc. 5106.

#1938

No. 5106

For Identification as a Mississippi Choctaw.

Seale, Miss

MAR 31 1902

Name Mingo Mark

Age 54 Blood full

Post Office, North Bend, Miss.

Father: Mark d

Mother: Sokey " d

Claims through

wife Nancy Mark (full) d

Father Lewis Im-ok-tah " d

Mother - don't know - " d

Father Tuffamah

For wife, 4 children

Children: Mark 19

John Mark 16

Horace " 14

Luzia " 2

Mother Susan " "

Solomon Mark (F) 20

Lazen " (F) 21

Father Billy " d

Mother Amy " d

Louisa Mark f.b. 5

Mother Nancy " d

Father Mingo " 5

Stenographer

R. J. Street

Choctaw MCR 5107

Elizabeth Lahbin  
(Ti-mah-Ki)

MCR 5107



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

-----oOo-----

In the matter of the application of Elizabeth Lahbin,  
(Ti-mah-ki), et al., for identification as  
Mississippi Choctaws, M C R 5107.

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

-----oOo-----

In the matter of the application for the identification of  
Elizabeth Lahbin, (Ti-mah-ki), et al., as Mississippi Choctaws,  
M C R 5107.

---o---

-----: I N D E X :-----

---o---

	Page
Original application for the identification of Elizabeth Lahbin (Ti-mah-ki), et al., as Miss- issippi Choctaws,-----	1
Decision of the Commission identifying the above applicants,-----	11

-o-

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Seale, Mississippi, March 31, 1902.

In the matter of the application of Mary Frazier for  
identification as a Mississippi Choctaw.

Mary Frazier, having been first duly sworn, upon her oath  
testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Mary Frazier.  
Q How old are you? A I don't know how old I am; I never did know  
my age and nobody ever did tell me.  
Q Can you give us an idea how old you are? A White people told me  
I was seventy years old.  
Q How much Choctaw blood have you? A Full blood.  
Q Have you a Choctaw name? A Yes.  
Q What is it? A Mah-hin-to-nah.  
Q What's your post office address? A North Bend, Mississippi.  
Q Do you live in Neshoba County? A Yes.  
Q How long have you lived in Neshoba County? A All my life.  
Q Is your father living? A Dead.  
Q What was his name? A Joe.  
Q Did he have any other name? A Choctaw name, Ah-took-a-lah.  
Q Was he a full blood Choctaw? A Yes.  
Q Live here in Mississippi all his life? A Yes.  
Q Do you know the name of his father, or his mother? A I don't  
know.  
Q Is your mother living? A Dead.  
Q What was her name? A Susan.  
Q Did she have a Choctaw name? A Hi-ne-ah.  
Q Did she live here in Mississippi all her life? A Yes.  
Q Was she a full blood Choctaw? A Yes.  
Q How old would your father and mother be if they were living now?  
A He was a tolerable old man when the civil war was going on, and  
he died since that time.  
Q Did your mother die before or after that? A Mother died before  
that.  
Q How long before that? A About two years.  
Q Do you know the name of your mother's father, or her mother?  
A I don't know.  
Q Are you married? A Yes.  
Q Is your husband living? A No.  
Q Were you ever married more than once? A Just once.  
Q What was your husband's name? A Farbus Frazier.  
Q Was he a full blood Choctaw? A Yes.

Mary Frazier, 2.

- Q Live here in Mississippi all his life? A Yes.
- Q Was he older or younger than you? A Little younger than me.
- Q Did he have a Choctaw name? A No.
- Q Do you know the name of his father, or his mother? A I don't know his mother, but I know his father was George Frazier.
- Q Was he a full blood? A Yes.
- Q Did he live here in Mississippi all his life? A Yes.
- Q Did he have a Choctaw name? A Nock-a-na-tubbee?
- 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 today for the purpose of establishing your rights as a Choctaw Indian? A No.
- Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes.
- Q Did any of your ancestors, or any of your husband's ancestors, ever do as that 14th article required a Choctaw to do in case he desired to stay here in Mississippi and take land and become a citizen of the States? 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 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? 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 heard that some of my husband's ancestors got land here in Mississippi from the Government.
- Q What one of your husband's ancestors ever got land here in Mississippi from the Government? A I heard that my husband's grand pa got land here.
- Q Husband's father's father? A Yes.
- Q Do you know what his name was? A I don't know.
- Q Do you know how much land he got? A I don't know how many acres it was.
- Q Where is the land now? A Out here at Sanstown, in this County.
- Q Who owns it now? A I think there was white people living on it a while, but I think colored people live on it now.
- Q You think that this piece of land was gotten by your husband's father's father? That would be Nock-a-na-tubbee? A Husband's mother's father.
- Q You can't think of your husband's mother's name? A No.
- Q And you can't think of her father's name, the man that got this land? A No. - O-nah-ki.

#3.

Mary Frazier, 3.

Q Do you know when he got this land from the Government? A No, I don't know.

Q How long did it stay in his family? A I don't know how long.

Q Did you ever hear of any other of your husband's ancestors ever having gotten any land from the Government? A No.

Q Did you ever hear of any of your ancestors ever having gotten any land from the Government? A No, if they did, I never heard of it.

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 name 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 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. Did

Q Did any of your ancestors, or any of your husband'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 heard that my ancestors and my husband's ancestors died, and I never did hear of any of them before these commissioners.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided 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.

Mary Frazier, 4.

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 this Act of Congress, or did you or your husband ever get any?

A If they did, I never heard of it.

Q Neither you nor your husband got any? A No.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors, or any of your husband's ancestors, covering land here in Mississippi received from the Government? A Yes, I have seen what I reckon was a deed land papers about this land I was telling you about a while ago.

Q Where is that deed now? A A white man by the name of Parson Seale; this land was sold for taxes, and he got the deed to it.

Q You think you could get that deed now? A I don't know.

It might be very important in the cases of all of your descendants to have this deed submitted to the Commission in connection with your application, and it is suggested, if possible, you find this deed and bring it to the Commission and let us look over it.

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

Q Do you know of any real old person 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 I don't know of any one who would know about this, because there is no old people around here much.

Q Any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any one of our appointments here in Mississippi, this 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.

Q Did you ever have any brothers? A All dead but one.

Q What's the name of the one that's living? A Langley Joe.

Q Is he older or younger than you? A Younger.

Q How many brothers have you dead? A Three.

Q What were their names? A William.

Q Did he have a Choctaw name? A Sah-ah-lubbee.

Q What's the name of another one? A Cornelius.

Q Were these brothers older or younger than you? A The one they called William is older than me, and the other two are younger than I am.

Q What was Cornelius' Choctaw name? A Just one name.

Q What's the name of the next one? A Josen, the Choctaw name, and the English name, Joe.

Q Did any of these three brothers leave children? A Yes, my oldest

*Q. Was he a  
Choctaw name?  
A. No. That's  
all.*

Mary Frazier, 5.

brother left some children.

Q How many? A Two.

Q Are they living now? A Yes.

Q What are their names? A Lah-ti-mah.

Q Is she married? A Yes.

Q What's her husband's name? A Tom Kate.

Q Is her English name Lucy? A Yes.

Q What's the name of the other one of your brother's children?

A Wilmond.

Q Wilmond what? A Just one name.

Q Where does he live? A Kemper County.

Q Is he married? A Yes.

Q What's his wife's name? A Il-lah-ho-nah.

Q Has he any children living under age? A Yes.

Q How many? A Five.

Q What are their names? A Jasper.

Q Is Jasper the oldest one? A Yes.

Q Next one? A Nicholas.

Q Next one? A I don't know the balance.

Q Any one here who knows them? A No.

Q About how old is Wilmond? A I don't know; aint none of the Choctaws who know our ages.

Q Give us an idea? A About forty five.

Q How old is his wife? A About forty.

Q Are they both full blood Choctaws? A Yes.

Q What was Wilmond's mother's name? A Hi-yi.

Q She was a full blood was she? A Yes.

Q And lived here in Mississippi all her life? A Yes.

Q What is Il-lah-ho-nah's father's name? A Willis.

Q Was he a full blood Choctaw? A Yes.

Q Lived here in Mississippi all his life? A Yes.

Q How long has he been dead? A ( No answer.)

Q Have any other name besides Willis? A That's all.

Q What was Il-lah-ho-nah's mother's name? A I don't know.

Q About how old is Jasper? A Ten or twelve years old.

Q About how old is Nicholas? A About eight.

Q Is the next one of their children a boy or girl? A Girl.

Q You can't think of her name? A No.

Q About how old is she? A Six.

Q And the next one a boy or girl? A Girl.

Q About how old? A About five, and the other one is a baby.

Q How old? A About three months old.

Q Girl or boy? A Girl.

Q You don't know the name of any one of these three girls? A No.

Q Have you any sisters living? A No, all dead.

Q Did any of them leave children? A Yes, one did.

Q What's the name of the one who left children? A Louisa.

Q How many of her children are living? A One.

Q What's that child's name? A Bogle Willis.

Q Is Bogle married? A Yes.

Q What's his wife's name? A Nancy.

Q Is Bogle a full blood Choctaw? A Yes.

Q About how old? A About twenty.

Q Where does he live? A Lives on Will Marshall's place.

Q In Kemper County? A Yes.

Mary Frazier, 6.

- Q What would be his post office address? A Coffadeliah.  
✓ Q How old is his wife, Nancy? A About fourteen.  
Q Are they living together now? A Yes.  
Q Have they any children? A No.  
✓ Q What was Bogle's father's name? A Yarba Willis.  
Q Full blood Choctaw? A Yes.  
✓ Q Is Nancy's father living? A No, nobody ever knowed her daddy.  
✓ Q Was he a full blood choctaw A Yes.  
✓ Q Is Nancy's mother living? A Yes.  
✓ Q What's her name? A Ti-mahki.  
✓ Q Has she an English name? A Elizabeth Lahbin.  
Q Is she married? A No. Her husband died long time ago.  
✓ Q Is Elizabeth a full blood? A Yes.  
Q She lived here in Mississippi all her life? A Yes.  
Q About how old a woman is she? A About sixty.  
Q What's her post office address? A North Bend, Mississippi.  
Q Is her father living? A No.  
Q What was his name? A I don't know.  
Q Is her mother living? A No, been dead long time.  
✓ Q Has Elizabeth any other children living besides Nancy? A Yes,  
one.  
Q What's his name? A Ben Lahbin.  
✓ Q About how old is Ben? A About twenty.  
Q Is he married? A No.  
✓ Q Live with his mother? A Yes.  
✓ Q Is his father living? A No, dead.  
Q What was his name? A Lahbin.  
✓ Q Is that all the name he had? A Yes.  
✓ Q Was he a full blood Choctaw? A Yes.  
Q Lived here in Mississippi all his life? A Yes.  
Q Do you know the name of his parents? A No.  
Q Do you know whether any of the ancestors of Elizabeth, or of Bogle  
Willis, or of this man, Wilmond, or his wife, 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 Elizabeth and Yarba I don't know anything about, if  
they did, but Wilmond's grand father, I heard got some land.  
Q What was his name? A No-wah.  
Q Was that his father's father, or his mother's father? A Mother's  
father.  
Q Do you know the names of any of No-wah's children? A Know  
Wilmond's mother.  
Q What was her name? A Hi-yi.  
Q Do you know the name of any other one of No-wah's children?  
A Ma-ti-he-mah; that was her sister.  
Q Do you know the name of any other one of No-wah's children?  
A Pis-a-homby.  
Q Do you know any other? A No.  
Q Do you know how much land No-wah got from the Government? A I  
just heard that he got some land, but I never did learn how much  
he got.  
Q Do you know where that land is? A I don't know, where it is.  
Q Do you know when he got it? A No.



Mary Frazier, 7.

- Q Do you know whether he got it under the treaty of Dancing Rabbit Creek, or not? A No, I don't know.
- Q Do you know whether any of the ancestors of Bogle Willis ever got any land under the treaty of Dancing Rabbit Creek, from the Government? A No, I don't know.
- Q Are any of your husband's brothers or sisters living? A No.
- Q Did any of them leave children? A Yes, two left children.
- Q What's the name of the oldest one who left children? A Tom.
- Q Tom what? A They were half brothers; had same father and different mothers.
- Q How many of his children are living now? A One.
- Q What's that child's name? A E-li-i-shubbee.
- Q Has he an English name? A Archie.
- Q What's the name of another one of your husband's brothers who left children? A My husband's brother is living himself.
- Q What's his name? A John.
- Q What? A Frazier.
- Q Did your husband ever have any sisters? A No.
- Q Have you any children living? A Yes.
- Q How many? A Four boys and three girls living.
- Q The boys are, Wesley, Seale, Echol and Henson Frazier? A Yes.
- Q And the girls are what? A Susanna, the wife of Johnson Bell.
- Q Next one? A Annie, the wife of Lampkin Amos.
- Q Next one? A Minerva, the wife of Jim Marris.
- Q Have you any children dead who left children? A One left children.
- Q What's the name of your child who died and left a child? A Margaret.
- Q Is that child living now? A Yes.
- Q With whom does it live? A With its father.
- Q What's its father's name? A Bobo Marris.
- Q Would Coffadelliah be the post office address of Wilmond Joe? A Yes.
- Q Is your brother, Langley Joe, married? A Yes.
- Q Is his wife living? A Yes.
- Q What's her name? A Emily.
- Q Is she a full blood Choctaw? A Yes.
- Q About how old is she? A Forty five.
- Q Has she lived here in Mississippi all her life? A Yes.
- Q Is her father living? A Dead.
- Q What was his name? A Tah-nah-pah-yah.
- Q Did he have an English name? A Willis.
- Q Is her mother living? A Dead long time. I don't know it's name.
- Q Do you know the name of any other of Emily's ancestors? A I don't know.
- Q Have they always lived in Mississippi so far as you know? A Yes.
- Q All been full blood Choctaws, too, have they? A Yes.
- Q About how old is Langley? A About fifty.
- Q Is he your full brother? A Yes.
- Q What's his post office address? A Near Philadelphia.
- Q Has he lived here in Mississippi all his life? A Yes.
- Q How many minor children have they living - Joe and Emily?
- A Two.
- Q What are their names? A Johnnie and Edna.
- Q About how old is Johnnie? A About fifteen.
- Q How old is Edna? A About sixteen.

Q They are both the children of Langley and Emma? A Yes.

Q Have they any other children living with them besides these two?

A No.

Q Any old folks living with them? A No.

Q Has any application of any description ever been made for these people to your knowledge to the Commission? A No.

Q Lampkin Amos is your son-in-law? A Yes.

Q About how old a man is Lampkin? A Twenty five.

Q Has he lived in Mississippi all his life? A Yes.

Q What would be his post office address? A Coffadelliah.

Q Does he live in Neshoba County? A Kemper.

Q Is he a full blood Choctaw? A Yes.

Q Is his father living? A Dead.

Q What was his name? A Amos.

Q Have any other name? A Choctaw call him Amon.

Q Have any Choctaw name besides Amon? A No.

Q Is he a full blood Choctaw? A Yes.

Q Is Lampkin's mother living? A No.

Q What was her name? A Winnie.

Q Full blood Choctaw? A Yes.

Q Live here in Mississippi all her life? A Yes.

Q Do you know the name of her father or her mother? A Sallie.

Q Have any other name? A I reckon that was her husband; she was named by that -- Nomy

Q How long has she been dead? A I don't know how long.

Q Live here in Mississippi all her life? A Yes.

Q Did she have a Choctaw name? A Not that I know of.

Q Do you know the name of either one of Amos' parents? A No, don't know. He about five or six when I knew him, and his mother, put off and died before then.

Q Do you know whether any of the ancestors of Lampkin 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 I don't know.

Q Did you ever hear of any of them ever having gotten any land from the Government? A No.

Q Did you ever hear of any of them ever getting any money from the Government? A No, never heard of that, but I don't know about his ancestors.

Q Did you ever hear of any of them getting any scrip from the Government? A No, never heard.

Q I believe you stated that Lampkin's wife is named Annie, and she is your daughter? About how old is she? A About twenty.

Q She has always lived here in Mississippi, has she? A Yes.

Q Full blood Choctaw? A Yes.

Q What is her father's name? A Farbus Frazier.

Q Have they any children living? A Yes, one.

Q Julius? A Yes.

Q How old is he? A Born in July last year; you don't know just when.

Q Is he the child of Lampkin and Annie? A Yes.

Q Now, was Annie married before she married Amos? A Yes.

Q What was her husband's name? A Sanderson Marris.

Q Do you know whether any application of any kind was ever made to the Commission for Lampkin or his wife? A I think three years ago at Philadelphia, before they were married.

Mary Frazier, 9.

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 Lampkin Amos for identification as a Mississippi Choctaw Card, Field Number 223; also, upon page 64 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 article the provisions of the 14th article of the treaty of Dancing Rabbit Creek, being Number 773 thereon.

The records of the Commission further show that on the 31st day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Sanderson Marris, his wife, Annie, and minor children, Nicy and Lula, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 217; also, on page 63 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 provisions of the 14th article of the treaty of Dancing Rabbit Creek, being Numbers 759, 760, 761 and 762, respectively, thereon.

Q Did you ever hear of any other application having been made for Lampkin or his wife, Annie, than this own three years ago at Philadelphia, Mississippi? A No.

Q They are living together now, are they? A Yes.

Q This young child is living with them? A Yes.

(This applicant has the appearance of being a full blood Indian; speaks and understands the Choctaw language and very little English, the examination having been conducted entirely through a sworn Choctaw interpreter. In her examination she has been examined as to the rights of Elizabeth Labin, Bogle Willis, Wilmond Joe. These Indians all live within three or four miles of the camp of the Commission, and have known for at least two weeks of the presence of the Commission at this place. They have never made any application of any description to the Commission, and have refused to appear before us. It is, therefore, deemed proper to consider the testimony of Mary Frazier as an application in their behalf, and it, at least, sets forth the names of the different members of these families.)

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

Mary Frazier, 10.

entitled cause on the 31st day of March, 1902, at Seale, 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 Toles, Mississippi, this 9th day of April, 1902.

I. B. Moseley,  
Clerk U.S. Circuit Court,  
Southern district of Mississippi,

By J. P. Walker,  
Deputy.

Indian Territory. )  
: ss.  
Northern District. )

R. S. Streit, being first duly sworn, upon his oath states that he has carefully compared the above and foregoing with the original transcript from his stenographic notes, taken at Seale, Mississippi, on the 31st day of March, 1902, and that the above and foregoing is a full, true and correct copy in all respects of said original transcript.

*R. S. Streit*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 20th day of June, 1902.

*Wm. H. Wood*

Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

*CW*

In the matter of the application for the identification of Elizabeth Lahbin (Ti-mah-ki), et al., as Mississippi Choctaws, M C R 5107.

-----: 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 March 31, 1902, by Mary Frazier, for Elizabeth Lahbin (Indian name, Ti-mah-ki), and her minor son, Ben Lahbin, 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.

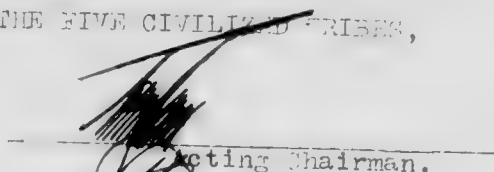
Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

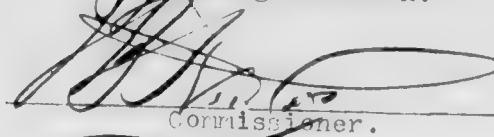
The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all

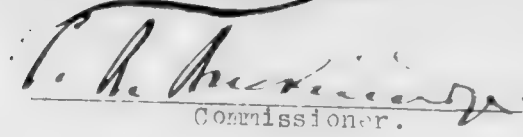
full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw 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 Elizabeth Lahbin (Ti-mah-ki) and Ben Lahbin should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

        
F. P. 14 190

COPY.

M C R 5107

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 Elizabeth Lahbin (Ti-mah-Ki), and minor child Ben Lahbin 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 Elizabeth Lahbin (Ti-mah-Ki) 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,

*James Dixby.*

Register.  
Enc. W. C. B. 23.

Acting Chairman.

COPIES

M.C.R. 5107

Muskogee, Indian Territory, March 11, 1903.

Elizabeth Lebbin (Ti-mah-ki),  
North Bend, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your minor son, Ben Lebbin, 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 Dinkley.*

Chairman.

Registered.

Enc. 5107.



#1079

No. 5107

For Identification as a Mississippi Choctaw.

Deale, Miss. Date

R 31 1902  
(Timah-ki)

Name Elizabeth Lahbin  
by Mary Frazier

Age 60 Blood Guel

Post Office, North Bend, Miss

Father: dont know d

Mother: " " d

Claims through  
For self and son

Children:

Ben Lahbin (Guel) 20  
Father Lahbin " d

(See testimony of Mary  
Frazier in ...  
Circuit)

Stenographer

R. S. Strick

Elizabeth Lahtin et al  
(Ti-mah-ki.)

5000

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

Choctaw MCR 5108

Bogle Willis .

MCR 5108

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

--:)(o)(:--

In the matter of the application for the identifi-  
cation of Bogle Willis, et al., as  
Mississippi Choctaws,  
M C R 5108.

-o-

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

-----o-----

In the matter of the application for the identification of  
Bogle Willis, et al., as Mississippi Choctaws, M C R 5108.

---o---

-----: I N D E X :-----

---o---

	Page
Original application for the identification of Bogle Willis, et al., as Mississippi Choctaws,-----	1
Decision of the Commission identifying the above applicants,-----	11

-o-

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Seale, Mississippi, March 31, 1902.

In the matter of the application of Mary Frazier for identification as a Mississippi Choctaw.

Mary Frazier, having been first duly sworn, upon her oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Mary Frazier.
- Q How old are you? A I don't know how old I am; I never did know my age and nobody ever did tell me.
- Q Can you give us an idea how old you are? A White people told me I was seventy years old.
- Q How much Choctaw blood have you? A Full blood.
- Q Have you a Choctaw name? A Yes.
- Q What is it? A Mah-hin-te-nah.
- Q What's your post office address? A North Bend, Mississippi.
- Q Do you live in Neshoba County? A Yes.
- Q How long have you lived in Neshoba County? A All my life.
- Q Is your father living? A Dead.
- Q What was his name? A Jee.
- Q Did he have any other name? A Choctaw name, Ah-took-a-lah.
- Q Was he a full blood Choctaw? A Yes.
- Q Live here in Mississippi all his life? A Yes.
- Q Do you know the name of his father, or his mother? A I don't know.
- Q Is your mother living? A Dead.
- Q What was her name? A Susan.
- Q Did she have a Choctaw name? A Hi-ne-ah.
- Q Did she live here in Mississippi all her life? A Yes.
- Q Was she a full blood Choctaw? A Yes.
- Q How old would your father and mother be if they were living now?
- A He was a tolerable old man when the civil war was going on, and he died since that time.
- Q Did your mother die before or after that? A Mother died before that.
- Q How long before that? A About two years.
- Q Do you know the name of your mother's father, or her mother?
- A I don't know.
- Q Are you married? A Yes.
- Q Is your husband living? A No.
- Q Were you ever married more than once? A Just once.

Mary Frasier, 2.

- Q What was your husband's name? A Farbus Frasier.
- Q Was he a full blood Choctaw? A Yes.
- Q Live here in Mississippi all his life? A Yes.
- Q Was he older or younger than you? A Little younger than me.
- Q Did he have a Choctaw name? A No.
- Q Do you know the name of his father, or his mother? A I don't know his mother, but I know his father was George Frasier.
- Q Was he a full blood Choctaw? A Yes.
- Q Did he live here in Mississippi all his life? A Yes.
- Q Did he have a Choctaw name? A Hock-a-na-tubbee.
- 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 today for the purpose of establishing your rights as a Choctaw Indian? A No.
- Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes.
- Q Did any of your ancestors, or any of your husband's ancestors ever do as that 14th article required a Choctaw to do in case he desired to stay here in Mississippi and take land and become citizens of the States? 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 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? 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 heard that some of my husband's ancestors got land here in Mississippi from the Government.
- Q What one of your husband's ancestors ever got land here in Mississippi from the Government? A I heard that my husband's grand pa got land here.
- Q Husband's father's father? A Yes.
- Q Do you know what his name was? A I don't know.
- Q Do you know how much land he got? A I don't know how many acres it was.
- Q Where is the land now? A Out here at Sanstown, in this County.
- Q Who owns it now? A I think there was white people living on it a while, but I think colored people live on it now.
- Q You think that this piece of land was gotten by your husband's father's father? That would be Hock-a-na-tubbee? A Husband's mother's father.
- Q You can't think of your husband's mother's name? A No.
- Q And you can't think of her father's name, the man that got this land? A No. - O-nah-ki.

Mary Frazier, 3.

Q Do you know when he got this land from the Government? A No, I don't know.

Q How long did it stay in his family? A I don't know how long.

Q Did you ever hear of any other of your husband's ancestors ever having gotten any land from the Government? A No.

Q Did you ever hear of any of your ancestors ever having gotten any land from the Government? A No, if they did, I never heard of it.

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 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. Did

Q Did any of your ancestors, or any of your husband'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 heard that my ancestors and my husband's ancestors died, and I never did hear of any of them before these commissioners.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided 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.



Mary Frazier, #4.

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 this Act of Congress, or did you or your husband ever get any? A If they did, I never heard of it.

Q Neither you nor your husband get any? A No.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors, or any of your husband's ancestors, covering land here in Mississippi received from the Government? A Yes, I have seen what I reckon was a deed land papers about this land I was telling you about a while ago.

Q Where is that deed now? A A white man by the name of Parson Seale; this land was sold for taxes, and he got the deed to it.

Q You think you could get that deed now? A I don't know.

It might be very important in the cases of all of your descendants to have this deed submitted to the Commission in connection with your application, and it is suggested, if possible, you find this deed and bring it to the Commission and let us look over it.

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

Q Do you know of any real old person 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 I don't know of any one who would know about this, because there is no old people around here much.

Q Any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any one of our appointments here in Mississippi, this 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.

Q Did you ever have any brothers? A All dead but one.

Q What's the name of the one that's living? A Langley Joe.

Q Has he a Choctaw name? A No, that's all.

Q Is he older or younger than you? A Younger.

Q How many brothers have you dead? A Three.

Q What were their names? A William.

Q Did he have a Choctaw name? A Sah-ah-lubbee.

Q What's the name of another one? A Cornelius.

Q Were these brothers older or younger than you? A The one they called William is older than me, and the other two are younger than I am.

Q What was Cornelius' Choctaw name? A Just one name.

Q What's the name of the next one? A Jesen, the Choctaw name, and the English name Joe.

Mary Frazier, 5.

Q Did any of these three brothers leave children? A Yes, my oldest brother left some children.  
Q How many? A Two.  
Q Are they living now? A Yes.  
Q What are their names? A Lah-ti-mah.  
Q Is she married? A Yes.  
Q What's her husband's name? A Tom Kate.  
Q Is her English name Lucy? A Yes.  
Q What's the name of the other one of your brother's children?  
A Wilmond.  
Q Wilmond what? A Just one name.  
Q Where does he live? A Kemper County.  
Q Is he married? A Yes.  
Q What's his wife's name? A Il-lah-he-nah.  
Q Has he any children living under age? A Yes.  
Q How many? A Five.  
Q What are their names? A Jasper.  
Q Is Jasper the eldest one? A Yes.  
Q Next one? A Nicholas.  
Q Next one? A I don't know the balance.  
Q Any one here who knows them? A No.  
Q About how old is Wilmond? A I don't know ; aint none of the Choctaws who know our ages.  
Q Give us an idea? A About forty five.  
Q How old is his wife? A About forty.  
Q Are they both full blood Choctaws? A Yes.  
Q What was Wilmond's mother's name? A Hi-yi.  
Q She was a full blood was she? A Yes.  
Q And lived here in Mississippi all her life? A Yes.  
Q What is Il-lah-he-nah's father's name? A Willis.  
Q Was he a full blood Choctaw? A Yes.  
Q Lived here in Mississippi all his life? A Yes.  
Q How long has he been dead? A (No answer.)  
Q Have any other name besides Willis? A That's all.  
Q What was Il-lah-he-nah's mother's name? A I don't know.  
Q About how old is Jasper? A Ten or twelve years old.  
Q About how old is Nicholas? A About eight.  
Q Is the next one of their children a boy or girl? A Girl.  
Q You can't think of her name? A No.  
Q About how old is she? A Six.  
Q And the next one a boy or girl? A Girl.  
Q About how old? A About five, and the other one is a baby.  
Q How old? A About three months, old.  
Q Girl or boy? A Girl.  
Q You don't know the name of any one of these three girls? A No.  
Q Have you any sisters living? A No, all dead.  
Q Did any of them leave children? A Yes, one did.  
Q What's the name of the one who left children? A Louisa.  
Q How many of her children are living? A One.  
Q What's that child's name? A Bogle Willis.  
Q Is Bogle married? A Yes.  
Q What's his wife's name? A Nancy.  
Q Is Bogle a full blood Choctaw? A Yes.  
Q About how old? A About twenty.

Mary Frasier, 6.

- Q Where does he live? A Lives on Will Marshall's place.  
Q In Kemper County? A Yes.  
Q What would be his post office address? A Coffadelliah.  
Q How old is his wife Nancy? A About fourteen.  
Q Are they living together now? A Yes.  
Q Have they any children? A No.  
Q What was Bogle's father's name? A Yarba Willis.  
Q Full blood Choctaw? A Yes.  
Q Is Nancy's father living? A No, nobody ever knowed her daddy.  
Q Was he a full blood Choctaw? A Yes.  
Q Is Nancy's mother living? A Yes.  
Q What's her name? A Ti-mah-ki.  
Q Has she an English name? A Elizabeth Lahbin.  
Q Is she married? A No. Her husband died long time ago.  
Q Is Elizabeth a full blood? A Yes.  
Q She lived here in Mississippi all her life? A Yes.  
Q About how old a woman is she? A About sixty.  
Q What's her post office address? A North Bend, Mississippi.  
Q Is her father living? A No.  
Q What was his name? A I don't know.  
Q Is her mother living? A No, been dead long time.  
Q Has Elizabeth any other children living besides Nancy? A Yes, one.  
Q What's his name? A Ben Lahbin.  
Q About how old is Ben? A About twenty.  
Q Is he married? A No.  
Q Live with his mother? A Yes.  
Q Is his father living? A No, dead.  
Q What was his name? A Lahbin.  
Q Is that all the name he had? A Yes.  
Q Was he a full blood Choctaw? A Yes.  
Q Lived here in Mississippi all his life? A Yes.  
Q Do you know the name of his parents? A No.  
Q Do you know whether any of the ancestors of Elizabeth, or of Bogle Willis, or of this man, Wilmond, or his wife, 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 Elizabeth and Yarba I don't know anything about, if they did, but Wilmond's grand father, I heard got some land.  
Q What was his name? A No-wah.  
Q Was that his father's father, or his mother's father? A Mother's father.  
Q Do you know the names of any of No-wah's children? A Know Wilmond's mother.  
Q What was her name? A Hi-yi.  
Q Do you know the name of any other of No-wah's children? A Ma-ti-he-mah; that was her sister.  
Q Do you know the name of any other one of No-wah's children? A Pis-a-homby.  
Q Do you know any other? A No.  
Q Do you know how much land No-wah got from the Government? A I just heard that he got some land, but I never did learn how much he got.

Mary Frazier, 7.

- Q Do you know where that land is? A I don't know, where it is.  
Q Do you know when he got it? A No.  
Q Do you know whether he got it under the treaty of Dancing Rabbit Creek, or not? A I don't know.  
Q Do you know whether any of the ancestors of Bogle Willis ever got any land under the treaty of Dancing Rabbit Creek, from the Government? A No, I don't know.  
Q Are any of your husband's brothers or sisters living? A No.  
Q Did any of them leave children? A Yes, two left children.  
Q What's the name of the oldest one who left children? A Tom.  
Q Tom what? A They were half brothers; had same father and different mothers.  
Q How many of his children are living now? A One.  
Q What's that child's name? A E-li-i-shubbee.  
Q Has he an English name? A Archie.  
Q What's the name of another one of your husband's brothers who left children? A My husband's brother is living himself.  
Q What's his name? A John.  
Q What? A Frazier.  
Q Did your husband ever have any sisters? A No.  
Q Have you any children living? A Yes.  
Q How many? A Four boys and three girls living.  
Q The boys are, Wesley, Seale, Echol and Henson Frazier? A Yes.  
Q And the girls are what? A Susanna, the wife of Johnson Bell.  
Q Next one? A Annie, the wife of Lampkin Amos.  
Q Next one? A Minerva, the wife of Jim Marris.  
Q Have you any children dead who left children? A One left children  
Q What's the name of your child who died and left a child? A Margaret.  
Q Is that child living now? A Yes.  
Q With whom does it live? A With its father.  
Q What's its father's name? A Bobo Marris.  
Q Would Coffadelish be the post office of Wilmond Joe? A Yes  
Q Is your brother, Langley Joe, married? A Yes.  
Q Is his wife living? A Yes.  
Q What's her name? A Emily.  
Q Is she a full blood Choctaw? A Yes.  
Q About how old is she? A Forty five.  
Q Has she lived here in Mississippi all her life? A Yes.  
Q Is her father living? A Dead.  
Q What was his name? A Tah-nah-pah-yah.  
Q Did he have an English name? A Willis.  
Q Is her mother living? A Dead long time. I don't know it's name.  
Q Do you know the name of any other of Emily's ancestors? A I don't know.  
Q Have they always lived in Mississippi so far as you know? A Yes.  
Q All been full blood Choctaws, too, have they? A Yes.  
Q About how old is Langley? A About fifty.  
Q Is he your full brother? A Yes.  
Q What's his post office address? A Near Philadelphia.  
Q Has he lived here in Mississippi all his life? A Yes.  
Q How many minor children have they living - Joe and Emily?  
A Two.  
Q What are their names? A Johnnie and Edna.  
Q About how old is Johnnie? A About fifteen.

Mary Frasier, 8.

- Q How old is Edna? A About sixteen.
- Q Are they both the children of Langley and Emma? A Yes.
- Q Have they any other children living with them besides these two?
- A No.
- Q Any old folks living with them? A No.
- Q Has any application of any description ever been made for these people to your knowledge to the Commission? A No.
- Q Lampkin Amos is your son-in-law, is he? A Yes.
- Q About how old a man is Lampkin? A Twenty five.
- Q Has he lived in Mississippi all his life? A Yes.
- Q What would be his post office address? A Coffadelliah.
- Q Does he live in Meshoba County? A Kemper.
- Q Is he a full blood Choctaw? A Yes.
- Q Is his father living? A Dead.
- Q What was his name? A Amos.
- Q Have any other name? A Choctaw call him Amon.
- Q Have any Choctaw name besides Amon? A No.
- Q Is he a full blood Choctaw? A Yes.
- Q Is Lampkin's mother living? A No.
- Q What was her name? A Winnie.
- Q Full blood Choctaw? A Yes.
- Q Live here in Mississippi all her life? A Yes.
- Q Do you know the name of her father or her mother? A Sallie.
- Q Have any other name? A I reckon that was her husband; she was named by that - Nobby.
- Q How long has she been dead? A I don't know how long.
- Q Live here in Mississippi all her life? A Yes.
- Q Did she have a Choctaw name? A Not that I know of.
- Q Do you know the name of either one of Amos' parents? A No, don't know. He about five or six when I knew him, and his mother put off and died before then.
- Q Do you know whether any of the ancestors of Lampkin 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 I don't know.
- Q Did you ever hear of any of them ever having gotten any land from the Government? A No.
- Q Did you ever hear of any of them ever getting any money from the Government? A No, never heard of that, but I don't know about his ancestors.
- Q Did you ever hear of any of them getting any scrip from the Government? A No, never heard.
- Q I believe you stated that Lampkin's wife is name Annie, and she is your daughter? About how old is she? A About twenty.
- Q She has always lived here in Mississippi, has she? A Yes.
- Q Full blood Choctaw? A Yes.
- Q What is her father's name? A Farbus Frasier.
- Q Have they any children living? A Yes, one.
- Q Julius? A Yes.
- Q How old is he? A Born in July last year; you don't know just when
- Q Is he the child of Lampkin and Annie? A Yes.
- Q Now, was Annie married before she married Amos? A Yes.
- Q What was her husband's name? A A Sanderson Harris.
- Q Do you know whether any application of any kind was ever made to the Commission for Lampkin or his wife? A I think three years

Mary Frazier, 9.

ago at Philadelphia, before they were married.

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 Lampkin Ames for identification as a Mississippi Choctaw Card, Field Number 223; also, upon page 64 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 provisions of the 14th article of the treaty of Dancing Rabbit Creek, being Number 773 thereon.

The records of the Commission further show that on the 31st day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Sanderson Marris, his wife, Annie, and minor children, Nicy and Lula, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card, Field Number 217; also, on page 63 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 provisions of the 14th article of the treaty of Dancing Rabbit Creek, being Numbers 759, 760, 761, and 762, respectively, thereon.

Q Did you ever hear of any other application having been made for Lampkin or his wife, Annie, than this one three years ago at Philadelphia, Mississippi? A No.

Q They are living together now, are they? A Yes.

Q This young child is living with them? A Yes.

(This applicant has the appearance of being a full blood Indian; speaks and understands the Choctaw language and very little English, the examination having been conducted entirely through a sworn Choctaw interpreter. In her examination she has been examined as to the rights of Elizabeth Lahbin, Bogle Willis, Wilmond Joe. These Indians all live within three or four miles of the camp of the Commission, and have known for at least two weeks of the presence of the Commission at this place. They have never made any application of any description to the Commission, and have refused to appear before us. It is, therefore, deemed proper to consider the testimony of

Mary Frazier, 10.

Mary Frazier as an application in their behalf, as it, at least, sets forth the names of the different members of these families.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 31st day of March, 1902, at Seale, 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 Toles, Mississippi, this 9th day of April, 1902.

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

By J. P. Walker,  
Deputy.

(Seal)

Indian Territory. :  
Northern District. :

R. S. Streit, having been first duly sworn, upon his oath states that he has carefully compared the above and foregoing with the original transcript from his stenographic notes taken at Seale, Mississippi, March 31, 1902, and that the same is a full, true and correct copy, in all respects of said original transcript.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 21st day of June, 1902.

*R. S. Streit*  
*Carroll H. Wood*  
Notary Public.

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

-----oOo-----

*Copy.*

In the matter of the application for the identification of Bogle Willis, et al., as Mississippi Choctaws, M C R 5108.

-----: 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 March 31, 1902, by Mary Frazier, for Bogle Willis and his wife Nancy Willis, 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

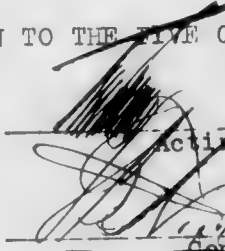


2.

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 Bogle Willis and Nancy Willis 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. 5108.

Muskogee, Indian Territory, February 21, 1903.

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Bogle Willis, and his wife Nancy Willis, 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 section of the Commission in identifying the said Bogle Willis, and his wife, as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

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

Respectfully,

Registered.

Enc. W. C. B. 24.

*Tama Kirby*  
Acting Chairman.

M.C.R. 5108

COPY.

Muskogee, Indian Territory, March 11, 1903.

Bogle Willis,

Coffadach, Mississippi.

*Remailed North Brd-Miss. May 23. 1903.*

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your wife, Nancy Willis, 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,*

*Tama*

Chairman.

Registered

Enclosure 5108

#1900

No. 5108

For Identification as a Mississippi Choctaw.

*Seale, Miss.* Date *March 1 1902*

Name *Pogle Willis*  
by *Mary Frazier*  
Age *20* Blood *full*

Post Office, *Coffadehah, Miss*

Father: *Yarba Willis* *d*

Mother: *Louisa* *"* *d*

Claims through

wife	<i>Nancy Willie</i>	<i>(sue)</i>	<i>14</i>
Father don't know	<i>Agrow</i>	<i>"</i>	<i>d</i>
mother	<i>Elizabeth Labin</i>	<i>"</i>	<i>L</i>

*See wife*

Children:

*(See testimony of Mary Frazier in her own behalf.)*

Stenographer

*R. A. Street*

Boyle Willis, et al

R. 5108

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

Choctaw MCR 5109

Wilmond Joe

MCR 5109

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

-oOo-

In the matter of the application for the identification of  
Wilmond Joe, et al., as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application for  
the identification of Wilmond Joe, et al., as Mississippi  
Choctaws, M.C.R. 5109.

-oOo-

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Seale, Mississippi, March 31, 1902.

In the matter of the application of Mary Frazier for  
identification as a Mississippi Choctaw.

Mary Frazier, having been first duly sworn, upon her oath  
testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Mary Frazier.  
Q How old are you? A I don't know how old I am; I never did know  
my age and nobody ever did tell me.  
Q Can you give us an idea how old you are? A White people told me  
I was seventy years old.  
Q How much Choctaw blood have you? A Full blood.  
Q Have you a Choctaw name? A Yes.  
Q What is it? A Mah-hin-to-nah.  
Q What's your post office address? A North Bend; Mississippi.  
Q Do you live in Neshoba County? A Yes.  
Q How long have you lived in Neshoba County? A All my life.  
Q Is your father living? A Dead.  
Q What was his name? A Joe.  
Q Did he have any other name? A Choctaw name, Ah-took-a-lah.  
Q Was he a full blood Choctaw? A Yes.  
Q Live here in Mississippi all his life? A Yes.  
Q Do you know the name of his father, or his mother? A I don't  
know.  
Q Is your mother living? A Dead.  
Q What was her name? A Susan.  
Q Did she have a Choctaw name? A Hi-ne-ah.  
Q Did she live here in Mississippi all her life? A Yes.  
Q Was she a full blood Choctaw? A Yes.  
Q How old would your father and mother be if they were living now?  
A He was a tolerable old man when the civil war was going on, and  
he died since that time.  
Q Did your mother die before or after that? A Mother died before  
that.  
Q How long before that? A About two years.  
Q Do you know the name of your mother's father, or her mother?  
A I don't know.  
Q Are you married? A Yes.  
Q Is your husband living? A No.  
Q Were you ever married more than once? A Just once.



Mary Frazier, 2.

- Q What was your husband's name? A Farbus Frazier.
- Q Was he a full blood Choctaw? A Yes.
- Q Live here in Mississippi all his life? A Yes.
- Q Was he older or younger than you? A Little younger than me.
- Q Did he have a Choctaw name? A No.
- Q Do you know the name of his father, or his mother? A I don't know his mother, but I know his father was George Frazier.
- Q Was he a full blood Choctaw? A Yes.
- Q Did he live here in Mississippi all his life? A Yes.
- Q Did he have a Choctaw name? A Nock-a-na-tubbee.
- 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 today for the purpose of establishing your rights as a Choctaw Indian? A No.
- Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes.
- Q Did any of your ancestors, or any of your husband's ancestors ever do as that 14th article required a Choctaw to do in case he desired to stay here in Mississippi and take land and become citizens of the States? 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 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? 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 heard that some of my husband's ancestors got land here in Mississippi from the Government.
- Q What one of your husband's ancestors ever got land here in Mississippi from the Government? A I heard that my husband's grand pa got land here.
- Q Husband's father's father? A Yes.
- Q Do you know what his name was? A I don't know.
- Q Do you know how much land he got? A I don't know how many acres it was.
- Q Where is the land now? A Out here at Sanstown, in this County.
- Q Who owns it now? A I think there was white people living on it a while, but I think colored people live on it now.
- Q You think that this piece of land was gotten by your husband's father's father? That would be Nock-a-na-tubbee? A Husband's mother's father.
- Q You can't think of your husband's mother's name? A No.
- Q And you can't think of her father's name, the man that got this land? A No. - O-nah-ki.

Mary Frazier, 3.

Q Do you know when he got this land from the Government? A No, I don't know.

Q How long did it stay in his family? A I don't know how long.

Q Did you ever hear of any other of your husband's ancestors ever having gotten any land from the Government? A No.

Q Did you ever hear of any of your ancestors ever having gotten any land from the Government? A No, if they did, I never heard of it.

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 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. Did

Q Did any of your ancestors, or any of your husband'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 heard that my ancestors and my husband's ancestors died, and I never did hear of any of them before these commissioners.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided 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.

Mary Frazier, #4.

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 this Act of Congress, or did you or your husband ever get any? A If they did, I never heard of it.

Q Neither you nor your husband got any? A No.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors, or any of your husband's ancestors, covering land here in Mississippi received from the Government? A Yes, I have seen what I reckon was a deed land papers about this land I was telling you about a while ago.

Q Where is that deed now? A A white man by the name of Parson Seale; this land was sold for taxes, and he got the deed to it.

Q You think you could get that deed now? A I don't know.

It might be very important in the cases of all of your descendants to have this deed submitted to the Commission in connection with your application, and it is suggested, if possible, you find this deed and bring it to the Commission and let us look over it.

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

Q Do you know of any real old person 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 I don't know of any one who would know about this, because there is no old people around here much.

Q Any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any one of our appointments here in Mississippi, this 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.

Q Did you ever have any brothers? A All dead but one.

Q What's the name of the one that's living? A Langley Joe.

Q Has he a Choctaw name? A No, that's all.

Q Is he older or younger than you? A Younger.

Q How many brothers have you dead? A Three.

Q What were their names? A William.

Q Did he have a Choctaw name? A Sah-ah-lubbee.

Q What's the name of another one? A Cornelius.

Q Were these brothers older or younger than you? A The one they called William is older than me, and the other two are younger than I am.

Q What was Cornelius' Choctaw name? A Just one name.

Q What's the name of the next one? A Josen, the Choctaw name, and the English name Joe.

Mary Frazier, 5.

Q Did any of these three brothers leave children? A Yes, my oldest brother left some children.

Q How many? A Two.

Q Are they living now? A Yes.

Q What are their names? A Lah-ti-mah.

Q Is she married? A Yes.

Q What's her husband's name? A Tom Kate.

Q Is her English name Lucy? A Yes.

Q What's the name of the other one of your brother's children?  
A Wilmond.

Q Wilmond what? A Just one name.

Q Where does he live? A Kemper County.

Q Is he married? A Yes.

Q What's his wife's name? A Il-lah-ho-nah.

Q Has he any children living under age? A Yes.

Q How many? A Five.

Q What are their names? A Jasper.

Q Is Jasper the oldest one? A Yes.

Q Next one? A Nicholas.

Q Next one? A I don't know the balance.

Q Any one here who knows them? A No.

Q About how old is Wilmond? A I don't know; aint none of the Choctaws who know our ages.

Q Give us an idea? A About forty five.

Q How old is his wife? A About forty.

Q Are they both full blood Choctaws? A Yes.

Q What was Wilmond's mother's name? A Hi-yi.

Q She was a full blood was she? A Yes.

Q And lived here in Mississippi all her life? A Yes.

Q What is Il-lah-ho-nah's father's name? A Willis.

Q Was he a full blood Choctaw? A Yes.

Q Lived here in Mississippi all his life? A Yes.

Q How long has he been dead? A (No answer.)

Q Have any other name besides Willis? A That's all.

Q What was Il-lah-ho-nah's mother's name? A I don't know.

Q About how old is Jasper? A Ten or twelve years old.

Q About how old is Nicholas? A About eight.

Q Is the next one of their children a boy or girl? A Girl.

Q You can't think of her name? A No.

Q About how old is she? A Six.

Q And the next one a boy or girl? A Girl.

Q About how old? A About five, and the other one is a baby.

Q How old? A About three months old.

Q Girl or boy? A Girl.

Q You don't know the name of any one of these three girls? A No.

Q Have you any sisters living? A No, all dead.

Q Did any of them leave children? A Yes, one did.

Q What's the name of the one who left children? A Louisa.

Q How many of her children are living? A One.

Q What's that child's name? A Bogle Willis.

Q Is Bogle married? A Yes.

Q What's his wife's name? A Nancy.

Q Is Bogle a full blood Choctaw? A Yes.

Q About how old? A About twenty.

Mary Frazier, 6.

- Q Where does he live? A Lives on Will Marshall's place.  
Q In Kemper County? A Yes.  
Q What would be his post office address? A Coffadeliash.  
Q How old is his wife Nancy? A About fourteen.  
Q Are they living together now? A Yes.  
Q Have they any children? A No.  
Q What was Bogle's father's name? A Yarba Willis.  
Q Full blood Choctaw? A Yes.  
Q Is Nancy's father living? A No, nobody ever knowed her daddy.  
Q Was he a full blood Choctaw? A Yes.  
Q Is Nancy's mother living? A Yes.  
Q What's her name? A Ti-mah-ki.  
Q Has she an English name? A Elizabeth Lahbin.  
Q Is she married? A No. Her husband died long time ago.  
Q Is Elizabeth a full blood? A Yes.  
Q She lived here in Mississippi all her life? A Yes.  
Q About how old a woman is she? A About sixty.  
Q What's her post office address? A North Bend, Mississippi.  
Q Is her father living? A No.  
Q What was his name? A I don't know.  
Q Is her mother living? A No, been dead long time.  
Q Has Elizabeth any other children living besides Nancy? A Yes,  
one.  
Q What's his name? A Ben Lahbin.  
Q About how old is Ben? A About twenty.  
Q Is he married? A No.  
Q Live with his mother? A Yes.  
Q Is his father living? A No, dead.  
Q What was his name? A Lahbin.  
Q Is that all the name he had? A Yes.  
Q Was he a full blood Choctaw? A Yes.  
Q Lived here in Mississippi all his life? A Yes.  
Q Do you know the name of his parents? A No.  
Q Do you know whether any of the ancestors of Elizabeth, or of  
Bogle Willis, or of this man, Wilmond, or his wife, 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 Elizabeth and Yarba I don't know anything  
about, if they did, but Wilmond's grand father, I heard got some  
land.  
Q What was his name? A No-wah.  
Q Was that his father's father, or his mother's father? A Mother's  
father.  
Q Do you know the names of any of No-wah's children? A Know  
Wilmond's mother.  
Q What was her name? A Hi-yi.  
Q Do you know the name of any other of No-wah's children? A Ma-  
ti-he-mah; that was her sister.  
Q Do you know the name of any other one of No-wah's children?  
A Pis-a-homby.  
Q Do you know any other? A No.  
Q Do you know how much land No-wah got from the Government? A I  
just heard that he got some land, but I never did learn how much  
he got.

Mary Frazier, 7.

- Q Do you know where that land is? A I don't know, where it is.  
Q Do you know when he got it? A No.  
Q Do you know whether he got it under the treaty of Dancing Rabbit Creek, or not? A I don't know.  
Q Do you know whether any of the ancestors of Bogle Willis ever got any land under the treaty of Dancing Rabbit Creek, from the Government? A No, I don't know.  
Q Are any of your husband's brothers or sisters living? A No.  
Q Did any of them leave children? A Yes, two left children.  
Q What's the name of the oldest one who left children? A Tom.  
Q Tom what? A They were half brothers; had same father and different mothers.  
Q How many of his children are living now? A One.  
Q What's that child's name? A E-li-i-shubbee.  
Q Has he an English name? A Archie.  
Q What's the name of another one of your husband's brothers who left children? A My husband's brother is living himself.  
Q What's his name? A John.  
Q What? A Frazier.  
Q Did your husband ever have any sisters? A No.  
Q Have you any children living? A Yes.  
Q How many? A Four boys and three girls living.  
Q The boys are, Wesley, Seale, Echol and Henson Frazier? A Yes.  
Q And the girls are what? A Susanna, the wife of Johnson Bell.  
Q Next one? A Annie, the wife of Lampkin Amos.  
Q Next one? A Minerva, the wife of Jim Marris.  
Q Have you any children dead who left children? A One left children  
Q What's the name of your child who died and left a child? A Margaret.  
Q Is that child living now? A Yes.  
Q With whom does it live? A With its father.  
Q What's its father's name? A Bobo Marris.  
Q Would Coffadeliah be the post office of Wilmond Joe? A Yes  
Q Is your brother, Langley Joe, married? A Yes.  
Q Is his wife living? A Yes.  
Q What's her name? A Emily.  
Q Is she a full blood Choctaw? A Yes.  
Q About how old is she? A Forty five.  
Q Has she lived here in Mississippi all her life? A Yes.  
Q Is her father living? A Dead.  
Q What was his name? A Tah-nah-pah-yah.  
Q Did he have an English name? A Willis.  
Q Is her mother living? A Dead long time. I don't know it's name.  
Q Do you know the name of any other of Emily's ancestors? A I don't know.  
Q Have they always lived in Mississippi so far as you know? A Yes.  
Q All been full blood Choctaws, too, have they? A Yes.  
Q About how old is Langley? A About fifty.  
Q Is he your full brother? A Yes.  
Q What's his post office address? A Near Philadelphia.  
Q Has he lived here in Mississippi all his life? A Yes.  
Q How many minor children have they living - Joe and Emily?  
A Two.  
Q What are their names? A Johnnie and Edna.  
Q About how old is Johnnie? A About fifteen.

Mary Frazier, 8.

- Q How old is Edna? A About sixteen.
- Q Are they both the children of Langley and Emma? A Yes.
- Q Have they any other children living with them besides these two?  
A No.
- Q Any old folks living with them? A No.
- Q Has any application of any description ever been made for these people to your knowledge to the Commission? A No.
- Q Lampkin Amos is your son-in-law, is he? A Yes.
- Q About how old a man is Lampkin? A Twenty five.
- Q Has he lived in Mississippi all his life? A Yes.
- Q What would be his post office address? A Coffadeliash.
- Q Does he live in Neshoba County? A Kemper.
- Q Is he a full blood Choctaw? A Yes.
- Q Is his father living? A Dead.
- Q What was his name? A Amos.
- Q Have any other name? A Choctaw call him Amon.
- Q Have any Choctaw name besides Amon? A No.
- Q Is he a full blood Choctaw? A Yes.
- Q Is Lampkin's mother living? A No.
- Q What was her name? A Winnie.
- Q Full blood Choctaw? A Yes.
- Q Live here in Mississippi all her life? A Yes.
- Q Do you know the name of her father or her mother? A Sallie.
- Q Have any other name? A I reckon that was her husband; she was named by that - Nomby.
- Q How long has she been dead? A I don't know how long.
- Q Live here in Mississippi all her life? A Yes.
- Q Did she have a Choctaw name? A Not that I know of.
- Q Do you know the name of either one of Amos' parents? A No, don't know. He about five or six when I knew him, and his mother put off and died before then.
- Q Do you know whether any of the ancestors of Lampkin 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 I don't know.
- Q Did you ever hear of any of them ever having gotten any land from the Government? A No.
- Q Did you ever hear of any of them ever getting any money from the Government? A No, never heard of that, but I don't know about his ancestors.
- Q Did you ever hear of any of them getting any scrip from the Government? A No, never heard.
- Q I believe you stated that Lampkin's wife is name Annie, and, she is your daughter? About how old is she? A About twenty.
- Q She has always lived here in Mississippi, has she? A Yes.
- Q Full blood Choctaw? A Yes.
- Q What is her father's name? A Farbus Frazier.
- Q Have they any children living? A Yes, one.
- Q Julius? A Yes.
- Q How old is he? A Born in July last year; you don't know just when
- Q Is he the child of Lampkin and Annie? A Yes.
- Q Now, was Annie married before she married Amos? A Yes.
- Q What was her husband's name? A A Sanderson Marris.
- Q Do you know whether any application of any kind was ever made to the Commission for Lampkin or his wife? A I think three years

Mary Frazier, 9.

ago at Philadelphia, before they were married.

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 Lampkin Amos for identification as a Mississippi Choctaw Card, Field Number 223; also, upon page 64 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 provisions of the 14th article of the treaty of Dancing Rabbit Creek, being Number 773 thereon.

The records of the Commission further show that on the 31st day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Sanderson Marris, his wife, Annie, and minor children, Nicy and Lula, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card, Field Number 217; also, on page 63 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 provisions of the 14th article of the treaty of Dancing Rabbit Creek, being Numbers 759, 760, 761, and 762, respectively, thereon.

Q Did you ever hear of any other application having been made for Lampkin or his wife, Annie, than this one three years ago at Philadelphia, Mississippi? A No.

Q They are living together now, are they? A Yes.

Q This young child is living with them? A Yes.

(This applicant has the appearance of being a full blood Indian; speaks and understands the Choctaw language and very little English, the examination having been conducted entirely through a sworn Choctaw interpreter. In her examination she has been examined, as to the rights of Elizabeth Lahbin, Bogle Willis, Wilmond Joe. These Indians all live within three or four miles of the camp of the Commission, and have known for at least two weeks of the presence of the Commission at this place. They have never made any application of any description to the Commission, and have refused to appear before us. It is, therefore, deemed proper to consider the testimony of



Mary Frazier, 10.

Mary Frazier as an application in their behalf, as it, at least, sets forth the names of the different members of these families.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 31st day of March, 1902, at Seale, 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 Toles, Mississippi, this 9th day of April, 1902.

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

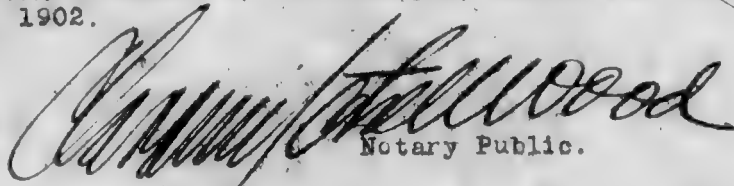
By J. P. Walker,  
Deputy.

(Seal)

Indian Territory. :  
Northern District. :

R.S. Streit, having been first duly sworn, upon his oath states that he has carefully compared the above and foregoing with the original transcript from his stenographic notes taken at Seale, Mississippi, March 31, 1902, and that the same is a full, true and correct copy, in all respects of said original transcript.

  
Subscribed and sworn to before me at Muskogee, Indian Territory, this 21st day of June, 1902.

  
Notary Public.

Meridian, Mississippi, November 28, 1903.

Wilmond Joe,

Coffadelliah, Mississippi.

Dear Sir-

It appears from the records of the Commission that on March 31, 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.

Very respectfully,

File 91

Special Agent

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

-oOo-

In the matter of the application for the identification of  
Wilmond Joe, et al., as Mississippi Choctaws, M.C.R. 5109.

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

It does not appear from the records of this Commission that any application has ever been made for the identification of Wilmond Joe, his wife, Illah-honah Joe, and his five minor children, Jasper and Nicholas Joe, and three other minor children whose names are not stated, as Mississippi Choctaws, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stats., 495).

It does appear, however, that this application was docketed from testimony taken in the case of Mary Frazier, et al., M.C.R. 5110, with the evident intention of having the applicants herein appear before this Commission in person and testify relative to their rights as Mississippi Choctaws, prior to the expiration of the time allowed by law in which to make application for identification as Mississippi Choctaws. Although these applicants have been re-

peatedly requested to appear before this Commission and give such testimony, they have failed to do so.

It is therefore the opinion of this Commission that the application for the identification of Wilmond Joe, Illah-honah Joe, Jasper Joe, Nicholas Joe and the three minor children, whose names are not disclosed, should be dismissed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

  
Chairman.

SEP 13 1904

M.C.R. 5109

COPY:

Muskogee, Indian Territory, September 13, 1904.

Wilmond Joe,

Coffadellah, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated September 13, 1904, dismissing your application for identification as Mississippi Choctaws of yourself, your wife, Illah-honah Joe, your children, Jasper Joe and Nicholas Joe, and three children whose names are not disclosed.

Respectfully,

SIGNED

*Tams Bixby.*

Chairman.

Registered.

Incl. M.C.R. 5109.

L.C.R. 509

COPY.

Muskogee, Indian Territory, September 13, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated September 13, 1904, dismissing the application for the identification as Mississippi Choctaws of Wilmond Joe, Illah-honah Joe, Jasper Joe, Nicholas Joe and the three minor children, whose names are not disclosed.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Incl. MCR 5109

1941

No. 5109

# For Identification as a Mississippi Choctaw.

Seale, Miss.

Date MAR 31 1902

Name Wilmond Joe

Age 45 Blood full

Post Office, Cofadeliak, Miss.

Father: William Joe d

Mother: Hi-yi- d

### Claims through

wife Allah-honah Joe (full) 40 d

Father Willis " d

mother dont know " d

Forever wife and 5 children

### Children:

- Jasper Joe (yb) 12
- Nicholas " (") 8
- \_\_\_\_\_ " (F) 6
- \_\_\_\_\_ " (F) 5
- \_\_\_\_\_ " (F) 3mo.

(See testimony of \_\_\_\_\_  
in \_\_\_\_\_)

Stenographer

R. A. Streit

FIELD  
JUL 20 1905  
COMMISSIONER OF THE TRIBES.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

*Handwritten notes on the left side of the envelope, including a vertical line and illegible cursive text.*

*1288*



Wilmond Jop,

Coffadelliah, Mississippi.

REGISTERED

SEP 1904

MUSKOGEE, IND. TER

Choctaw MCR 5110

Mary Frazier

(Mah-hin-to-nah)

MCR 5110

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

---

In the matter of the application of Mary Frazier (Mah-hin-  
to-nah) for identification as a Mississippi Choctaw, M.C.R.5110.

---

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

---

In the matter of the application of Mary Frazier (Mah-hin-to-nah) for identification as a Mississippi Choctaw, K.C.R. 5110.

INDEX.

	page
Original application of Mary Frazier (Mah-hin-to-nah) before the Dawes Commission for identification as a Mississippi Choctaw,.....	1
Decision of the Commission granting the within application,.....	10

---

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Seale, Mississippi, March 31, 1902.

In the matter of the application of Mary Frazier for  
identification as a Mississippi Choctaw.

Mary Frazier, having been first duly sworn, upon her oath  
testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Mary Frazier.
- Q How old are you? A I don't know how old I am; I never did know my age and nobody ever did tell me.
- Q Can you give us an idea how old you are? A White people told me I was seventy years old.
- ✓ Q How much Choctaw blood have you? A Full blood.
- Q Have you a choctaw name? A Yes.
- Q What is it? A Mah-hin-to-nah.
- Q What's your post office address? A North Bend, Mississippi.
- Q Do you live in Neshoba County? A Yes.
- Q How long have you lived in Neshoba County? A All my life.
- ✓ Q Is your father living? A Dead.
- ✓ Q What was his name? A Noe.
- ✓ Q Did he have any other name? A Choctaw name, Ah-took-a-lah.
- ✓ Q Was he a full blood Choctaw? A Yes.
- Q Live here in Mississippi all his life? A Yes.
- Q Do you know the name of his father, or his mother? A I don't know.
- ✓ Q Is your mother living? A Dead.
- ✓ Q What was her name? A Susan.
- Q Did she have a Choctaw name? A Hi-ne-ah.
- Q Did she live here in Mississippi all her life? A Yes.
- ✓ Q Was she a full blood Choctaw? A Yes.
- Q How old would your father and mother be if they were living now?
- Q He was a tolerable old man when the civil war was going on, and he died since that time.
- Q Did your mother die before or after that? A Mother died before that.
- Q How long before that? A About two years.
- Q Do you know the name of your mother's father, or her mother?
- A I don't know.
- Q Are you married? A Yes.
- Q Is your husband living? A No.
- Q Were you ever married more than once? A Just once.
- Q What was your husband's name? A Farbus Frazier.
- Q Was he a full blood Choctaw? A Yes.
- Q Live here in Mississippi all his life? A Yes.
- Q Was he older or younger than you? A Little younger than me.
- Q Did he have a Choctaw name? A No.
- Q Do you know the name of his father, or his mother? A I don't know his mother, but I know his father was George Frazier.

Mary Frazier, 2.

Q Was he a full blood? A Yes.

Q Did he live here in Mississippi all his life? A Yes.

Q Did he have a Choctaw name? A Nock-a-na-tubbee.

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 today for the purpose of establishing your rights as a Choctaw Indian? A No.

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

Q Did any of your ancestors, or any of your ~~anz~~ husband's ancestors ever do as that 14th article required a Choctaw today in case he desired to stay here in Mississippi and take land and become citizens of the States? 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 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? 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 heard that some of my husband's ancestors got land here in Mississippi from the Government.

Q What one of your husband's ancestors ever got land here in Mississippi from the Government? A I heard that my husband's grand pa got land here.

Q Husband's father's father? A Yes.

Q Do you know what his name was? A I don't know.

Q Do you know how much land he got? A I don't know how many acres it was.

Q Where is the land now? A Out here at Sanstown, in this County.

Q Who owns it now? A I think there was white people living on it a while, but I think colored people live on it now.

Q You think that this piece of land was gotten by your husband's father's father? That would be Nock-a-na-tubbee? A Husband's mother's father.

Q You can't think of your husband's mother's name? A No.

Q And you can't think of her father's name, the man that got this land? A No. - O-nah-ki.

Q Do you know when he got this land from the Government? A No, I don't know.

Q How long did it stay in his family? A I don't know how long.

Q Did you ever hear of any other of your husband's ancestors ever having gotten any land from the Government? A No.

Q Did you ever hear of any of your ancestors ever having gotten any land from the Government? A No, if they did, I never heard of it.

Mary Frazier, 3.

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 name 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 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. Did

Q Did any of your ancestors, or any of your husband'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 heard that my ancestors and my husband's ancestors died, and I never did hear of any of them before these commissioners.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided 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, or any of your husband's ancestors, ever get any scrip from the Government of the United States under this Act of Congress, or did you or your husband ever get any? A If they did, I never heard of it.

Q Neither you nor your husband get any? A No.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors, or any of your husband's ancestors, covering land here in Mississippi received from the Government? A Yes, I have

Mary Frazier, 4.

seen what I reckon was a deed land papers about this land I was telling you about a while ago.

Q Where is that deed now? A A white man by the name of Parson Seale; this land was sold for taxes, and he got the deed to it.

Q You think you could get that deed now? A I don't know.

It might be very important in the cases of all of your descendants to have this deed submitted to the Commission in connection with your application, and it is suggested, if possible, you find this deed and bring it to the Commission and let us look over it.

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

Q Do you know of any real old person 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 I don't know of any one who would know about this, because there is no old people around here much.

Q Any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any one of our pointments here in Mississippi, this 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.

Q Did you ever have any brothers? A All dead but one.

Q What's the name of the one that's living? A Langley Joe.

Q Has he a Choctaw name? A No, that's all.

Q Is he older or younger than you? A Younger.

Q How many brothers have you dead? A Three.

Q What were their names? A William.

Q Did he have a Choctaw name? A Sah-ah-lubbee.

Q What's the name of another one? A Cornelius.

Q Were these brothers older or younger than you? A The one they called William is older than me, and the other two are younger than I am.

Q What was Cornelius' Choctaw name? A Just one name.

Q What's the name of the next one? A Josen, the Choctaw name, and the English name Joe.

Q Did any of these three brothers leave children? A Yes, my oldest brother left some children.

Q How many? A Two.

Q Are they living now? A Yes.

Q What are their names? A Lah-ti-mah.

Q Is she married? A Yes.

Q What's her husband's name? A Tom Kate.

Q Is her English name Lucy? A Yes.

Q What's the name of the other one of your brother's children?



Mary Frazier, 5.

- A Wilmond.
- Q Wilmond what? A Just one name.
- Q Where does he live? A Kemper County.
- Q Is he married? A Yes.
- Q What's his wife's name? A Il-lah-ho-nah.
- Q Has he any children living under age? A Yes.
- Q How many? A Five.
- Q What are their names? A Jasper.
- Q Is Jasper the oldest one? A Yes.
- Q Next one? A Nicholas.
- Q Next one? A I don't know the balance.
- Q Any one here who knows them? A No.
- Q About how old is Wilmond? A I don't know; aint none of the Choctaws who know our ages.
- Q Give us an idea? A About forty five.
- Q How old is his wife? A About forty.
- Q Are they both full blood Choctaws? A Yes.
- Q What was Wilmond's mother's name? A Hi-yi.
- Q She was a full blood was she? A Yes.
- Q And lived here in Mississippi all her life? A Yes.
- Q What is Il-lah-ho-nah's father's name? A Willis.
- Q Was he a full blood Choctaw? A Yes.
- Q Lived here in Mississippi all his life? A Yes.
- Q How long has he been dead? A (No answer.)
- Q Have any other name besides Willis? A That's all.
- Q What was Il-lah-ho-nah's mother's name? A I don't know.
- Q About how old is Jasper? A Ten or twelve years old.
- Q About how old is Nicholas? A About eight.
- Q Is the next one of their children a boy or girl? A Girl.
- Q You can't think of her name? A No.
- Q About how old is she? A Six.
- Q And the next one a boy or girl? A Girl.
- Q About how old? A About five, and the other one is a baby.
- Q How old? A About three months old.
- Q Girl or boy? A Girl.
- Q You don't know the name of any one of these three girls? A No.
- Q Have you any sisters living? A No, all dead.
- Q Did any of them leave children? A Yes, one did.
- Q What's the name of the one who left children? A Louisa.
- Q How many of her children are living? A One.
- Q What's that child's name? A Bogle Willis.
- Q Is Bogle married? A Yes.
- Q What's his wife's name? A Nancy.
- Q Is Bogle a full blood Choctaw? A Yes.
- Q About how old? A About twenty.
- Q Where does he live? A Lives on Will Marshall's place.
- Q In Kemper County? A Yes.
- Q What would be his post office address? A Coffadeliah.
- Q How old is his wife, Nancy? A About fourteen.
- Q Are they living together now? A Yes.
- Q Have they any children? A No.
- Q What was Bogle's father's name? A Yarba Willis.
- Q Full blood Choctaw? A Yes.
- Q Is Nancy's father living? A No, nobody ever knowed her daddy.
- Q Was he a full blood Choctaw? A Yes.
- Q Is Nancy's mother living? A Yes.
- Q What's her name? A Ti-mah-ki.
- Q Has she an English name? A Elizabeth Lahbin.

Mary Frazier, 6.

- Q Is she married? A No. Her husband died long time ago.  
Q Is Elizabeth a full blood? A Yes.  
Q She lived here in Mississippi all her life? A Yes.  
Q About how old a woman is she? A About sixty.  
Q What's her post office address? A North Bend, Mississippi.  
Q Is her father living? A No.  
Q What was his name? A I don't know.  
Q Is her mother living? A No, been dead long time.  
Q Has Elizabeth any other children living besides Nancy? A Yes, one.  
Q What's his name? A Ben Lahbin.  
Q About how old is Ben? A About twenty.  
Q Is he married? A No.  
Q Live with his mother? A Yes.  
Q Is his father living? A No, dead.  
Q What was his name? A Lahbin.  
Q Is that all the name he had? A Yes.  
Q Was he a full blood Choctaw? A Yes.  
Q Lived here in Mississippi all his life? A Yes.  
Q Do you know the name of his parents? A No.  
Q Do you know whether any of the ancestors of Elizabeth, or of Bogle Willis, or of this man, Wilmond, or his wife, 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 Elizabeth and Yarba I don't know anything about, if they did, but Wilmond's grand father, I heard got some land.  
Q What was his name? A No-wah.  
Q Was that his father's father, or his mother's father? A Mother's father.  
Q Do you know the names of any of No-wah's children? A Know Wilmond's mother.  
Q What was her name? A Hi-yi.  
Q Do you know the name of any other one of No-wah's children? A Ma-ti-he-mah; that was her sister.  
Q Do you know the name of any other one of No-wah's children?  
A Pis-a-homby.  
Q Do you know any other? A No.  
Q Do you know how much land No-wah got from the Government? A I just heard that he got some land, but I never did learn how much he got.  
Q Do you know where that land is? A I don't know, where it is.  
Q Do you know when he got it? A No.  
Q Do you know whether he got it under the treaty of Dancing Rabbit Creek, or not? A I don't know.  
Q Do you know whether any of the ancestors of Bogle Willis ever got any land under the treaty of Dancing Rabbit Cree, from the Government? A No, I don't know.  
Q Are any of your husband's brothers or sisters living? A No.  
Q Did any of them leave children? A Yes, two left children.  
Q What's the name of the oldest one who left children? A Tom.  
Q Tom what? A They were half brothers; had same father and different mothers.  
Q How many of his children are living now? A One.  
Q What's that child's name? A E-li-i-shubbee.  
Q Was she an English name? A Archie.

Mary Frazier, 7.

- Q What's the name of another one of your husband's brothers who left children? A My husband's brother is living himself.
- Q What's his name? A John.
- Q What? A Frazier.
- Q Did your husband ever have any sisters? A No.
- Q Have you any children living? A Yes.
- Q How many? A Four boys and three girls living.
- Q The boys are, Wesley, Seale, Echol and Henson Frazier,? Yes.
- Q And the girls are what? A Susanna, the wife of Johnson Bell.
- Q Next one? A Annie, the wife of Lampkin Amos.
- Q Next one? A Minerva, the wife of Jim Marris.
- Q Have you any children dead who left children? A One left children.
- Q What's the name of your child who died and left a child? A Margaret.
- Q Is that child living now? A Yes.
- Q With whom does it live? A With its father.
- Q What's it's father's name? A Bobo Marris.
- Q Would Coffadeliash be the post office of Wilmond Joe? A Yes.
- Q Is your brother, Langley Joe, married? A Yes.
- Q Is his wife living? A Yes.
- Q What's her name? A Emily.
- Q Is she a full blood Choctaw? A Yes.
- Q About how old is she? A Forty five.
- Q Has she lived here in Mississippi all her life? A Yes.
- Q Is her father living? A Dead.
- Q What was his name? A Tah-nah-pah-yah.
- Q Did he have an English name? A Willis.
- Q Is her mother living? A Dead long time. I don,t know it's name.
- Q Do you know the name of any other of Emily's ancestors? A I don't know.
- Q Have they always lived in Mississippi so far as you know? A Yes.
- Q All been full blood Choctaws, too, have they? A Yes.
- Q About how old is Langley? A About fifty.
- Q Is he your full brother? A Yes.
- Q What's his post office address? A Near Philadelphia .
- Q Has he lived here in Mississippi all his life? A Yes.
- Q How many minor children have they living - Joe and Emily?
- A Two.
- Q What are their names? A Johnnie and Edna.
- Q About how old is Johnnie? A About fifteen.
- Q How old is Edna? A About sixteen.
- Q They are both the children of Langley and Emma? A Yes.
- Q Have they any other children living with them besides these two?
- A No.
- Q Any old folks living with them? A No.
- Q Has any application of any description ever been made for these people to your knowledge to the Commissia? A No.
- Q Lampkin Amos is your son-in-law, is he? A Yes.
- Q About how old a man is Lampkin? A Twenty five.
- Q Has he lived in Mississippi all his life? A Yes.
- Q What would be his post office address? A Coffadeliash.
- Q Does he live in Neshoba County? A Kemper.
- Q Is he a full blood Choctaw? A Yes.
- Q Is his father living? A Dead.
- Q What was his name? A Amos.
- Q Have any other name? A Choctaw call him Amon.
- Q Have any Choctaw name besides Amon? A No.
- Q Is he a full blood Choctaw? A Yes.

Mary Frazier, 8.

- Q Is Lampkin's mother living? A No.  
Q What was her name? A Winnie.  
Q Full blood Choctaw? A Yes.  
Q Live here in Mississippi all her life? A Yes.  
Q Do you know the name of her father or her mother? A Sallie.  
Q Have any other name? A I reckon that was her husband; she was named by that - Nomby.  
Q How long has she been dead? A I don't know, how long.  
Q Live here in Mississippi all her life? A Yes.  
Q Did she have a Choctaw name? A Not that I know of.  
Q Do you know the name of either one of Amos' parents? A No, don't know. He about five or six when I knew him, and his mother put off and died before then.  
Q Do you know whether any of the ancestors of Lampkin 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 I don't know.  
Q Did you ever hear of any of them ever having gotten any land from the Government? A No.  
Q Did you ever hear of any of them ever getting any money from the Government? A No, never heard of that, but I don't know about his ancestors.  
Q Did you ever hear of any of them getting any scrip from the Government? A No, never heard.  
Q I believe you stated that Lampkin's wife is named Annie, and she is your daughter?? About how old is she? A About twenty.  
Q She has always lived here in Mississippi, has she? A Yes.  
Q Full blood Choctaw? A Yes.  
Q What is her father's name? A Farbus Frazier.  
Q Have they any children living? A Yes, one.  
Q Julius? A Yes.  
Q How old is he? A Born in July last year; you don't know just when.  
Q Is he the child of Lampkin and Annie? A Yes.  
Q Now, was Annie married before she married Amos? A Yes.  
Q What was her husband's name? A Sanderson Marris.  
Q Do you know whether any application of any kind was ever made to the Commission for Lampkin or his wife? A I think three years ago at Philadelphia, before they were married.

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 Lampkin Amos for identification as a Mississippi Choctaw Card, Field Number 223; also, upon page 64 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 provisions of the 14th article of the treaty of Dancing Rabbit Creek, being Number 773 thereon.

The records of the Commission further show that on the 31st day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identifica-

Mary Frazier, 9.

tion of Sanderson Marris, his wife, Annie, and minor children, Nicy and Lula, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field number 217; also, on page 63 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 provisions of the 14th article of the treaty of Dancing Rabbit Creek, being Numbers 759, 760, 761, and 762, respectively, thereon.

Q Did you ever hear of any other application having been made for Lampkin or his wife, Annie, than this one three years ago at Philadelphia, Mississippi? A No.

Q They are living together now, are they? A Yes.

Q This young child is living with them? A Yes.

(This applicant has the appearance of being a full blood Indian; speaks and understands the Choctaw language and very little English, the examination having been conducted entirely through a sworn Choctaw interpreter. In her examination she has been examined as to the rights of Elizabeth Mahbin, Bogle Willis, Wilmond Joe. These Indians all live within three or four miles of the camp of the Commission, and have known for at least two weeks of the presence of the Commission at this place. They have never made any application of any description to the Commission, and have refused to appear before us. It is, therefore, deemed proper to consider the testimony of Mary Frazier as an application in their behalf, as it, at least, sets forth the names of the different members of these families.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 31st day of March, 1902, at Seale, 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 Toles, Mississippi, this 9th day of April, 1902.

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

By *M. M. M.*

Deputy.

9

C. W.

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

-----

In the matter of the application of Mary Frazier (Mah-hin-to-nah) for identification as a Mississippi Choctaw, M.C.R.5110.

.....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 March 31, 1902, by Mary Frazier (Indian name Mah-hin-to-nah) 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."

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 23, 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 enrolled by said Commission shall be on a separate roll."

It is, therefore, the opinion of this Commission that Mary Frazier (Lah-hin-to-mah) should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

*[Handwritten signature]*  
Acting Chairman.  
*[Handwritten signature]*  
Commissioner.

Bureau of Indian Affairs,

*[Handwritten signature]*  
Commissioner.

Aug 27 1902

M.C.R. 5110.

COPY.

Mustoge, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Mary Frazier (Mah-hin-to-nah), 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 Mary Frazier (Mah-hin-to-nah) 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,

*Tamm Cuddy,*  
Chairman.

Registered.  
Enc.: 5110.



COMMISSIONERS:

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE,  
W. E. STANLEY

ALLISON L. AYLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M C R 5110

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory May 6, 1903.

Mary Frazier (Mah-hin-te-nah)  
North Bend, Mississippi.

Dear Madam:

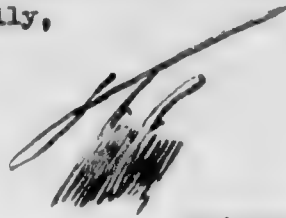
Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Register.

Enc 5110



Chairman.

No. 5110

For Identification as a Mississippi Choctaw.

Seale, Miss.

Date

MAR 31 1902

Name

Mary Frazier

Age

70

Mah-kin-to-nah-

Blood

full

Post Office,

North Bend, Miss.

Father:

Joe Ah-took-a-lah d

Mother:

Jessie  
- Hi-ne-ah d

Claims through

husband -

Farbus Frazier

Father

Rock-a-na-tubee

(full) d

Children:

For self only

Stenographer

R. S. Stein



16708  
15-843  
unclaimed

Mary Frazier, (Yah-hin-to-nah),  
North Bend, Mississippi.



Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

REGISTERED  
MAY 9 1903  
MUSKOGEE, IND. TER.

Choctaw MCR 5111

Langley Joe

by

Mary Frazier

MCR 5111

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

---

In the matter of the application for the identification of  
Langley Joe, et al., as Mississippi Choctaws, H.C.R. 5111.

---

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

---

In the matter of the application for the identification of  
Langley Joe, et al., as Mississippi Choctaws, M.C.R. 5111.

I N D E X .

	page
Original application of Mary Frazier before the Dawes Commission for the identification of Langley Joe, et al., as Mississippi Choctaws,.....	1
Decision of the Commission granting the within application,.....	11

---

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Beale, Mississippi, March 31, 1902.

In the matter of the application of Mary Frasier for  
identification as a Mississippi Choctaw.

Mary Frasier, having been first duly sworn, upon her oath  
testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Mary Frasier.  
Q How old are you? A I don't know how old I am; I never did know  
my age and nobody ever did tell me.  
Q Can you give us an idea how old you are? A White people told me  
I was seventy years old.  
Q How much Choctaw blood have you? A Full blood.  
Q Have you a Choctaw name? A Yes.  
Q What is it? A Mah-hin-te-nah.  
Q What's your post office address? A North Bend, Mississippi.  
Q Do you live in Washoba County? A Yes.  
Q How long have you lived in Washoba County? A All my life.  
Q Is your father living? A Dead.  
Q What was his name? A Joe.  
Q Did he have any other name? A Choctaw name, Ah-teek-a-lah.  
Q Was he a full blood Choctaw? A Yes.  
Q Live here in Mississippi all his life? A Yes.  
Q Do you know the name of his father, or his mother? A I don't  
know.  
Q Is your mother living? A Dead.  
Q What was her name? A Susan.  
Q Did she have a Choctaw name? A Hi-ne-ah.  
Q Did she live here in Mississippi all her life? A Yes.  
Q Was she a full blood Choctaw? A Yes.  
Q How old would your father and mother be if they were living now?  
A He was a tolerable old man when the civil war was going on, and  
he died since that time.  
Q Did your mother die before or after that? A Mother died before  
that.  
Q How long before that? A About two years.  
Q Do you know the name of your mother's father, or her mother?  
A I don't know.  
Q Are you married? A Yes.  
Q Is your husband living? A No.  
Q Were you ever married more than once? A Just once.



Mary Frazier, 2.

- Q What was your husband's name? A Farbus Frazier.
- Q Was he a full blood Choctaw? A Yes.
- Q Live here in Mississippi all his life? A Yes.
- Q Was he elder or younger than you? A Little younger than me.
- Q Did he have a Choctaw name? A No.
- Q Do you know the name of his father, or his mother? A I don't know his mother, but I know his father was George Frazier.
- Q Was he a full blood Choctaw? A Yes.
- Q Did he live here in Mississippi all his life? A Yes.
- Q Did he have a Choctaw name? A Hock-a-na-tubbee.
- 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 today for the purpose of establishing your rights as a Choctaw Indian? A No.
- Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes.
- Q Did any of your ancestors, or any of your husband's ancestors ever do as that 14th article required a Choctaw to do in case he desired to stay here in Mississippi and take land and become citizens of the States? 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 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? 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 heard that some of my husband's ancestors got land here in Mississippi from the Government.
- Q What one of your husband's ancestors ever got land here in Mississippi from the Government? A I heard that my husband's grand pa got land here.
- Q Husband's father's father? A Yes.
- Q Do you know what his name was? A I don't know.
- Q Do you know how much land he got? A I don't know how many acres it was.
- Q Where is the land now? A Out here at Sanstown, in this County.
- Q Who owns it now? A I think there was white people living on it a while, but I think colored people live on it now.
- Q You think that this piece of land was gotten by your husband's father's father? That would be Hock-a-na-tubbee? A Husband's mother's father.
- Q You can't think of your husband's mother's name? A No.
- Q And you can't think of her father's name, the man that got this land? A No. - O-nah-ki.

Mary Frazier, 3.

Q Do you know when he got this land from the Government? A No, I don't know.

Q How long did it stay in his family? A I don't know how long.

Q Did you ever hear of any other of your husband's ancestors ever having gotten any land from the Government? A No.

Q Did you ever hear of any of your ancestors ever having gotten any land from the Government? A No, if they did, I never heard of it.

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 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. Did

Q Did any of your ancestors, or any of your husband'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 heard that my ancestors and my husband's ancestors died, and I never did hear of any of them before these commissioners.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided 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.

Mary Frazier, 94.

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 this Act of Congress, or did you or your husband ever get any? A If they did, I never heard of it.

Q Neither you nor your husband got any? A No.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors, or any of your husband's ancestors, covering land here in Mississippi received from the Government? A Yes, I have seen what I reckon was a deed land papers about this land I was telling you about a while ago.

Q Where is that deed now? A A white man by the name of Parson Seale; this land was sold for taxes, and he got the deed to it.

Q You think you could get that deed now? A I don't know.

It might be very important in the cases of all of your descendants to have this deed submitted to the Commission in connection with your application, and it is suggested, if possible, you find this deed and bring it to the Commission and let us look over it.

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

Q Do you know of any real old person 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 I don't know of any one who would know about this, because there is no old people around here much.

Q Any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any one of our appointments here in Mississippi, this 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.

Q Did you ever have any brothers? A All dead but one.

Q What's the name of the one that's living? A Langley Joe.

Q Has he a Choctaw name? A No, that's all.

Q Is he older or younger than you? A Younger.

Q How many brothers have you dead? A Three.

Q What were their names? A William.

Q Did he have a Choctaw name? A Sah-ah-lubbee.

Q What's the name of another one? A Cornelius.

Q Were these brothers older or younger than you? A The one they called William is older than me, and the other two are younger than I am.

Q What was Cornelius' Choctaw name? A Just one name.

Q What's the name of the next one? A Jesen, the Choctaw name, and the English name Joe.

Mary Frazier, 5.

- Q Did any of these three brothers leave children? A Yes, my oldest brother left some children.
- Q How many? A Two.
- Q Are they living now? A Yes.
- Q What are their names? A Lah-ti-mah.
- Q Is she married? A Yes.
- Q What's her husband's name? A Tom Kate.
- Q Is her English name Lucy? A Yes.
- Q What's the name of the other one of your brother's children?
- A Wilmond.
- Q Wilmond what? A Just one name.
- Q Where does he live? A Kemper County.
- Q Is he married? A Yes.
- Q What's his wife's name? A Il-lah-he-nah.
- Q Has he any children living under age? A Yes.
- Q How many? A Five.
- Q What are their names? A Jasper.
- Q Is Jasper the oldest one? A Yes.
- Q Next one? A Nicholas.
- Q Next one? A I don't know the balance.
- Q Any one here who knows them? A No.
- Q About how old is Wilmond? A I don't know; aint none of the Choctaws who know our ages.
- Q Give us an idea? A About forty five.
- Q How old is his wife? A About forty.
- Q Are they both full blood Choctaws? A Yes.
- Q What was Wilmond's mother's name? A Hi-yi.
- Q She was a full blood was she? A Yes.
- Q And lived here in Mississippi all her life? A Yes.
- Q What is Il-lah-he-nah's father's name? A Willis.
- Q Was he a full blood Choctaw? A Yes.
- Q Lived here in Mississippi all his life? A Yes.
- Q How long has he been dead? A (No answer.)
- Q Have any other name besides Willis? A That's all.
- Q What was Il-lah-he-nah's mother's name? A I don't know.
- Q About how old is Jasper? A Ten or twelve years old.
- Q About how old is Nicholas? A About eight.
- Q Is the next one of their children a boy or girl? A Girl.
- Q You can't think of her name? A No.
- Q About how old is she? A Six.
- Q And the next one a boy or girl? A Girl.
- Q About how old? A About five, and the other one is a baby.
- Q How old? A About three months, old.
- Q Girl or boy? A Girl.
- Q You don't know the name of any one of these three girls? A No.
- Q Have you any sisters living? A No, all dead.
- Q Did any of them leave children? A Yes, one did.
- Q What's the name of the one who left children? A Louisa.
- Q How many of her children are living? A One.
- Q What's that child's name? A Bogle Willis.
- Q Is Bogle married? A Yes.
- Q What's his wife's name? A Nancy.
- Q Is Bogle a full blood Choctaw? A Yes.
- Q About how old? A About twenty.

Mary Frasier, 6.

- Q Where does he live? A Lives on Will Marshall's place.  
Q In Kemper County? A Yes.  
Q What would be his post office address? A Coffadelliah.  
Q How old is his wife Nancy? A About fourteen.  
Q Are they living together now? A Yes.  
Q Have they any children? A No.  
Q What was Bogle's father's name? A Yarba Willis.  
Q Full blood Choctaw? A Yes.  
Q Is Nancy's father living? A No, nobody ever knowed her daddy.  
Q Was he a full blood Choctaw? A Yes.  
Q Is Nancy's mother living? A Yes.  
Q What's her name? A Ti-mah-ki.  
Q Has she an English name? A Elizabeth Lahbin.  
Q Is she married? A No. Her husband died long time ago.  
Q Is Elizabeth a full blood? A Yes.  
Q She lived here in Mississippi all her life? A Yes.  
Q About how old a woman is she? A About sixty.  
Q What's her post office address? A North Bend, Mississippi.  
Q Is her father living? A No.  
Q What was his name? A I don't know.  
Q Is her mother living? A No, been dead long time.  
Q Has Elizabeth any other children living besides Nancy? A Yes, one.  
Q What's his name? A Ben Lahbin.  
Q About how old is Ben? A About twenty.  
Q Is he married? A No.  
Q Live with his mother? A Yes.  
Q Is his father living? A No, dead.  
Q What was his name? A Lahbin.  
Q Is that all the name he had? A Yes.  
Q Was he a full blood Choctaw? A Yes.  
Q Lived here in Mississippi all his life? A Yes.  
Q Do you know the name of his parents? A No.  
Q Do you know whether any of the ancestors of Elizabeth, or of Bogle Willis, or of this man, Wilmond, or his wife, 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 Elizabeth and Yarba I don't know anything about, if they did, but Wilmond's grand father, I heard got some land.  
Q What was his name? A No-wah.  
Q Was that his father's father, or his mother's father? A Mother's father.  
Q Do you know the names of any of No-wah's children? A Know Wilmond's mother.  
Q What was her name? A Hi-yi.  
Q Do you know the name of any other of No-wah's children? A Ma-ti-he-mah; that was her sister.  
Q Do you know the name of any other one of No-wah's children? A Pis-a-hemby.  
Q Do you know any other? A No.  
Q Do you know how much land No-wah got from the Government? A I just heard that he got some land, but I never did learn how much he got.

Mary Frazier, 7.

- Q Do you know where that land is? A I don't know, where it is.  
Q Do you know when he got it? A No.  
Q Do you know whether he got it under the treaty of Dancing Rabbit Creek, or not? A I don't know.  
Q Do you know whether any of the ancestors of Beale Willis ever got any land under the treaty of Dancing Rabbit Creek, from the Government? A No, I don't know.  
Q Are any of your husband's brothers or sisters living? A No.  
Q Did any of them leave children? A Yes, two left children.  
Q What's the name of the oldest one who left children? A Tom.  
Q Tom what? A They were half brothers; had same father and different mothers.  
Q How many of his children are living now? A One.  
Q What's that child's name? A E-li-i-shubbee.  
Q Has he an English name? A Archie.  
Q What's the name of another one of your husband's brothers who left children? A My husband's brother is living himself.  
Q What's his name? A John.  
Q What? A Frazier.  
Q Did your husband ever have any sisters? A No.  
Q Have you any children living? A Yes.  
Q How many? A Four boys and three girls living.  
Q The boys are, Wesley, Seale, Echol and Henson Frazier? A Yes.  
Q And the girls are what? A Susanna, the wife of Johnson Bell.  
Q Next one? A Annie, the wife of Lumpkin Amos.  
Q Next one? A Minerva, the wife of Jim Marris.  
Q Have you any children dead who left children? A One left children  
Q What's the name of your child who died and left a child? A Margaret.  
Q Is that child living now? A Yes.  
Q With whom does it live? A With its father.  
Q What's its father's name? A Bobo Marris.  
Q Would Ceffadeliah be the post office of Wilmond Joe? A Yes  
Q Is your brother, Langley Joe, married? A Yes.  
Q Is his wife living? A Yes.  
Q What's her name? A Emily.  
Q Is she a full blood Choctaw? A Yes.  
Q About how old is she? A Forty five.  
Q Has she lived here in Mississippi all her life? A Yes.  
Q Is her father living? A Dead.  
Q What was his name? A Tah-nah-pah-yah.  
Q Did he have an English name? A Willis.  
Q Is her mother living? A Dead long time. I don't know it's name.  
Q Do you know the name of any other of Emily's ancestors? A I don't know.  
Q Have they always lived in Mississippi so far as you know? A Yes.  
Q All been full blood Choctaws, too, have they? A Yes.  
Q About how old is Langley? A About fifty.  
Q Is he your full brother? A Yes.  
Q What's his post office address? A Near Philadelphia.  
Q Has he lived here in Mississippi all his life? A Yes.  
Q How many minor children have they living - Joe and Emily?  
A Two.  
Q What are their names? A Johnnie and Edna.  
Q About how old is Johnnie? A About fifteen.

Mary Frasier, 8.

- Q How old is Edna? A About sixteen.
- Q Are they both the children of Langley and Emma? A Yes.
- Q Have they any other children living with them besides these two?  
A No.
- Q Any old folks living with them? A No.
- Q Has any application of any description ever been made for these people to your knowledge to the Commission? A No.
- Q Lampkin Amos is your son-in-law, is he? A Yes.
- Q About how old a man is Lampkin? A Twenty five.
- Q Has he lived in Mississippi all his life? A Yes.
- Q What would be his post office address? A Coffadellish.
- Q Does he live in Washoba County? A Kemper.
- Q Is he a full blood Choctaw? A Yes.
- Q Is his father living? A Dead.
- Q What was his name? A Amos.
- Q Have any other name? A Choctaw call him Amon.
- Q Have any Choctaw name besides Amon? A No.
- Q Is he a full blood Choctaw? A Yes.
- Q Is Lampkin's mother living? A No.
- Q What was her name? A Winnie.
- Q Full blood Choctaw? A Yes.
- Q Live here in Mississippi all her life? A Yes.
- Q Do you know the name of her father or her mother? A Sallie.
- Q Have any other name? A I reckon that was her husband; she was named by that - Nomy.
- Q How long has she been dead? A I don't know how long.
- Q Live here in Mississippi all her life? A Yes.
- Q Did she have a Choctaw name? A Not that I know of.
- Q Do you know the name of either one of Amos' parents? A No, don't know. He about five or six when I knew him, and his mother put off and died before then.
- Q Do you know whether any of the ancestors of Lampkin 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 I don't know.
- Q Did you ever hear of any of them ever having gotten any land from the Government? A No.
- Q Did you ever hear of any of them ever getting any money from the Government? A No, never heard of that, but I don't know about his ancestors.
- Q Did you ever hear of any of them getting any scrip from the Government? A No, never heard.
- Q I believe you stated that Lampkin's wife is name Annie, and she is your daughter? About how old is she? A About twenty.
- Q She has always lived here in Mississippi, has she? A Yes.
- Q Full blood Choctaw? A Yes.
- Q What is her father's name? A Farbus Frasier.
- Q Have they any children living? A Yes, one.
- Q Julius? A Yes.
- Q How old is he? A Born in July last year; you don't know just when
- Q Is he the child of Lampkin and Annie? A Yes.
- Q Now, was Annie married before she married Amos? A Yes.
- Q What was her husband's name? A A Sanderson Harris.
- Q Do you know whether any application of any kind was ever made to the Commission for Lampkin or his wife? A I think three years

Mary Frazier, 9.

ago at Philadelphia, before they were married.

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 Lampkin Amos for identification as a Mississippi Choctaw Card, Field Number 223; also, upon page 64 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 provisions of the 14th article of the treaty of Dancing Rabbit Creek, being Number 773 thereon.

The records of the Commission further show that on the 31st day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Sanderson Marris, his wife, Annie, and minor children, Nicy and Lula, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card, Field Number 217; also, on page 63 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 provisions of the 14th article of the treaty of Dancing Rabbit Creek, being Numbers 759, 760, 761, and 762, respectively, thereon.

Q Did you ever hear of any other application having been made for Lampkin or his wife, Annie, than this one three years ago at Philadelphia, Mississippi? A No.

Q They are living together now, are they? A Yes.

Q This young child is living with them? A Yes.

(This applicant has the appearance of being a full blood Indian; speaks and understands the Choctaw language and very little English, the examination having been conducted entirely through a sworn Choctaw interpreter. In her examination she has been examined as to the rights of Elizabeth Labbin, Bogle Willis, Wilmond Joe. These Indians all live within three or four miles of the camp of the Commission, and have known her at least two weeks of the presence of the Commission at this place. They have never made any application of any description to the Commission, and have refused to appear before us. It is, therefore, deemed proper to consider the testimony of



Mary Frasier, 10.

Mary Frasier as an application in their behalf, as it, at least, sets forth the names of the different members of these families.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 31st day of March, 1902, at Seale, 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 Teles, Mississippi, this 9th day of April, 1902.

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

By J. P. Walker,  
Deputy.

(Seal)

Indian Territory. :  
Northern District. :

R. S. Streit, having been first duly sworn, upon his oath states that he has carefully compared the above and foregoing with the original transcript from his stenographic notes taken at Seale, Mississippi, March 31, 1902, and that the same is a full, true and correct copy, in all respects of said original transcript.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 21st day of June, 1902.

*R. S. Streit*  
*[Signature]*  
Notary Public.

Cow

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

-----

In the matter of the application for the identification of  
Langley Joe, et al., as Mississippi Choctaws, M.C.R. 5111.

.....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 March 31, 1902, by Mary Frazier for Langley Joe, his wife, Emily  
Joe, and his two minor children, Johnnie and Edna Joe, 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."

From the evidence submitted in support of said application  
it appears that all the applicants are full-blood Mississippi  
Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act  
To ratify and confirm an agreement with the Choctaw and Chickasaw

tribes of Indians, and for other purposes," approved July 1, 1902, (70 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 have never departed to land under the said fourteenth article of the said treaty of eighteen hundred and thirty-two shall not move to and make bona fide settlement in the Choctaw-Chickasaw country prior to June twentieth, eighteen hundred and ninety-eight, shall be entitled to be Mississippi Choctaws, entitled to benefit under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty-two, to identification as such by said Commission, but this provision or provision shall be looked to as only a rule of evidence and shall not be invoked by or against the applicant 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 entitled to said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Langley Joe, Emily Joe, Johnnie Joe and Edna Joe should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*[Handwritten signature]*  
Chairman.

*[Handwritten signature]*  
Commissioner.

Special Agent in Charge,

APR 27 1903

COPY

M.C.R. 5111.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Langley Joe, his wife, Emily Joe, and his two minor children, Johnnie Joe and Edna Joe, 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 Langley Joe, 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.

(SIGNED)

Respectfully, *Tame Dixby.*

Registered.  
Enc.: 5111.

Chairman,

COPY.

M.O.R. 5111

Muskegee, Indian Territory, May 6, 1903.

Langley Joe,

c/o Mary Frazier,

Philadelphia, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself, your wife, Emily Joe and your minor children, Johnnie Joe and Edna Joe as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED).

*Tamr Bixby.*  
Chairman.

Registered.

Enc. 5111.

4943

No. 5111

# For Identification as a Mississippi Choctaw.

Scale, Miss. Date

MAR 31 1902

Name Langley Joe  
by his sister Harry Grazer  
Age 30 Blood full

Post Office, Philadelphia, Miss.

Father: Joe Ah-took-a-lah d

Mother: Susan " d  
Hi-ne-ah

Claims through  
Wife Emily Joe (guess) 45  
Father Jah-nah-pah-yoh Willes d  
Mother - don't know - d

For self, wife and 2 children.

### Children:

<u>Johnnie</u>	<u>Joe</u>	<u>15</u>
<u>Edna</u>	"	<u>16</u>

(Testimony of Harry Grazer on her own behalf.)

Stenographer

R. S. Street

Choctaw MCR 5112

Lampkin Amos

by

Mary Frazier

See MCR 5156, 217, 223

MCR 5112

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

-oOo-

In the matter of the application for the identification of  
Lampkin Amos, et al., as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application for  
the identification of Lampkin Amos, et al., as Mississippi  
Choctaws, M.C.R. 5112.

-oOo-



Lampkin Bureau + 5712

5110

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Seals, Mississippi, March 31, 1902.

In the matter of the application of Mary Frazier for  
identification as a Mississippi Choctaw.

Mary Frazier, having been first duly sworn, upon her oath  
testified as follows: (Oswar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Mary Frazier.  
Q How old are you? A I don't know how old I am; I never did know  
my age and nobody ever did tell me.  
Q Can you give us an idea how old you are? A White people told me  
I was seventy years old.  
✓ Q How much Choctaw blood have you? A Full blood.  
✓ Q Have you a Choctaw name? A Yes.  
✓ Q What is it? A Mah-hin-te-nah.  
Q What's your post office address? A North Bend, Mississippi.  
Q Do you live in Neshoba County? A Yes.  
Q How long have you lived in Neshoba County? A All my life.  
✓ Q Is your father living? A Dead.  
✓ Q What was his name? A Joe.  
✓ Q Did he have any other name? A Choctaw name, Ah-took-a-lah.  
✓ Q Was he a full blood Choctaw? A Yes.  
✓ Q Live here in Mississippi all his life? A Yes.  
Q Do you know the name of his father, or his mother? A I don't  
know.  
✓ Q Is your mother living? A Dead.  
✓ Q What was her name? A Susan.  
✓ Q Did she have a Choctaw name? A Hi-ne-ah.  
✓ Q Did she live here in Mississippi all her life? A Yes.  
✓ Q Was she a full blood Choctaw? A Yes.  
Q How old would your father and mother be if they were living now?  
A He was a tolerable old man when the civil war was going on, and  
he died since that time.  
Q Did your mother die before or after that? A Mother died before  
that.  
Q How long before that? A About two years.  
Q Do you know the name of your mother's father, or her mother?  
A I don't know.  
Q Are you married? A Yes.  
Q Is your husband living? A No.  
Q Were you ever married more than once? A Just once.  
Q What was your husband's name? A Farbus Frazier.  
Q Was he a full blood Choctaw? A Yes.

Mary Frasier, 2.

- Q Live here in Mississippi all his life? A Yes.
- Q Was he older or younger than you? A Little younger than me.
- Q Did he have a Choctaw name? A No.
- Q Do you know the name of his father, or his mother? A I don't know his mother, but I knew his father was George Frasier.
- Q Was he a full blood? A Yes.
- Q Did he live here in Mississippi all his life? A Yes.
- Q Did he have a Choctaw name? A Nock-a-na-tubbee?
- 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 today for the purpose of establishing your rights as a Choctaw Indian? A No.
- Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes.
- Q Did any of your ancestors, or any of your husband's ancestors, ever do as that 14th article required a Choctaw to do in case he desired to stay here in Mississippi and take land and become a citizen of the States? 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 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? 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 heard that some of my husband's ancestors got land here in Mississippi from the Government.
- Q What one of your husband's ancestors ever got land here in Mississippi from the Government? A I heard that my husband's grand pa got land here.
- Q Husband's father's father? A Yes.
- Q Do you know what his name was? A I don't know.
- Q Do you know how much land he got? A I don't know how many acres it was.
- Q Where is the land now? A Out here at Sanstown, in this County.
- Q Who owns it now? A I think there was white people living on it a while, but I think colored people live on it now.
- Q You think that this piece of land was gotten by your husband's father's father? That would be Nock-a-na-tubbee? A Husband's mother's father.
- Q You can't think of your husband's mother's name? A No.
- Q And you can't think of her father's name, the man that got this land? A No. - O-nah-ki.

#3.

Mary Frazier, 3.

Q Do you know when he got this land from the Government? A No, I don't know.

Q How long did it stay in his family? A I don't know how long.

Q Did you ever hear of any other of your husband's ancestors ever having gotten any land from the Government? A No.

Q Did you ever hear of any of your ancestors ever having gotten any land from the Government? A No, if they did, I never heard of it.

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 name 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 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 1846, and heard a great many of these Choctaw cases. Did

Q Did any of your ancestors, or any of your husband'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 heard that my ancestors and my husband's ancestors died, and I never did hear of any of them before these commissioners.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided 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.

Mary Frasier, 4.

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 this Act of Congress, or did you or your husband ever get any?

A If they did, I never heard of it.

Q Neither you nor your husband got any? A No.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors, or any of your husband's ancestors, covering land here in Mississippi received from the Government? A Yes, I have seen what I reckon was a deed land papers about this land I was telling you about a while ago.

Q Where is that deed now? A A white man by the name of Parson Seale; this land was sold for taxes, and he got the deed to it.

Q You think you could get that deed now? A I don't know.

It might be very important in the cases of all of your descendants to have this deed submitted to the Commission in connection with your application, and it is suggested, if possible, you find this deed and bring it to the Commission and let us look over it.

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

Q Do you know of any real old person 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 I don't know of any one who would know about this, because there is no old people around here much.

Q Any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any one of our appointments here in Mississippi, this 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.

Q Did you ever have any brothers? A All dead but one.

Q What's the name of the one that's living? A Langley Joe.

Q Is he elder or younger than you? A Younger.

Q How many brothers have you dead? A Three.

Q What were their names? A William.

Q Did he have a Choctaw name? A Sah-ah-lubbee.

Q What's the name of another one? A Cornelius.

Q Were these brothers elder or younger than you? A The one they called William is elder than me, and the other two are younger than I am.

Q What was Cornelius' Choctaw name? A Just one name.

Q What's the name of the next one? A Josen, the Choctaw name, and the English name, Joe.

Q Did any of these three brothers leave children? A Yes, my eldest

*(This is a  
Choctaw name?  
No that's all*

Mary Frasier, 5.

brother left some children.

- Q How many? A Two.
- Q Are they living now? A Yes.
- Q What are their names? A Lah-ti-mah.
- Q Is she married? A Yes.
- Q What's her husband's name? A Tom Kate.
- Q Is her English name Lucy? A Yes.
- Q What's the name of the other one of your brother's children?  
A Wilmond.
- Q Wilmond what? A Just one name.
- Q Where does he live? A Kemper County.
- Q Is her married? A Yes.
- Q What's his wife's name? A Il-lah-ho-nah.
- Q Has he any children living under age? A Yes.
- Q How many? A Five.
- Q What are their names? A Jasper.
- Q Is Jasper the oldest one? A Yes.
- Q Next one? A Nicholas.
- Q Next one? A I don't know the balance.
- Q Any one here who knows them? A No.
- Q About how old is Wilmond? A I don't know; aint none of the  
Choctaws who know our ages.
- Q Give us an idea? A About forty five.
- Q How old is his wife? A About forty.
- Q Are they both full blood Choctaws? A Yes.
- Q What was Wilmond's mother's name? A Hi-yi.
- Q She was a full blood was she? A Yes.
- Q And lived here in Mississippi all her life? A Yes.
- Q What is Il-lah-ho-nah's father's name? A Willis.
- Q Was he a full blood Choctaw? A Yes.
- Q Lived here in Mississippi all his life? A Yes.
- Q How long has he been dead? A ( No answer.)
- Q Have any other name besides Willis? A That's all.
- Q What was Il-lah-ho-nah's mother's name? A I don't know.
- Q About how old is Jasper? A Ten or twelve years old.
- Q About how old is Nicholas? A About eight.
- Q Is the next one of their children a boy or girl? A Girl.
- Q You can't think of her name? A No.
- Q About how old is she? A Six.
- Q And the next one a boy or girl? A Girl.
- Q About how old? A About five, and the other one is a baby.
- Q How old? A About three months old.
- Q Girl or boy? A Girl,
- Q You don't know the name of any one of these three girls? A No.
- Q Have you any sisters living? A No, all dead.
- Q Did any of them leave children? A Yes, one did.
- Q What's the name of the one who left children? A Louisa.
- Q How many of her children are living? A One.
- Q What's that child's name? A Bogle Willis.
- Q Is Bogle married? A Yes.
- Q What's his wife's name? A Nancy.
- Q Is Bogle a full blood Choctaw? A Yes.
- Q About how old? A About twenty.
- Q Where does he live? A Lives on Will Marshall's place.
- Q In Kemper County? A Yes.

Mary Frazier, 6.

- Q What would be his post office address? A Coffadeliash.  
Q How old is his wife, Nancy? A About fourteen.  
Q Are they living together now? A Yes.  
Q Have they any children? A No.  
Q What was Bogle's father's name? A Yarba Willis.  
Q Full blood Choctaw? A Yes.  
Q Is Nancy's father living? A No, nobody ever knowed her daddy.  
Q Was he a full blood choctaw? A Yes.  
Q Is Nancy's mother living? A Yes.  
Q What's her name? A Ti-makki.  
Q Has she an English name? A Elizabeth Lahbin.  
Q Is she married? A No. Her husband died long time ago.  
Q Is Elizabeth a full blood? A Yes.  
Q She lived here in Mississippi all her life? A Yes.  
Q About how old a woman is she? A About sixty.  
Q What's her post office address? A North Bend, Mississippi.  
Q Is her father living? A No.  
Q What was his name? A I don't know.  
Q Is her mother living? A No, been dead long time.  
Q Has Elizabeth any other children living besides Nancy? A Yes,  
one.  
Q What's his name? A Ben Lahbin.  
Q About how old is Ben? A About twenty.  
Q Is he married? A No.  
Q Live with his mother? A Yes.  
Q Is his father living? A No, dead.  
Q What was his name? A Lahbin.  
Q Is that all the name he had? A Yes.  
Q Was he a full blood Choctaw? A Yes.  
Q Lived here in Mississippi all his life? A Yes.  
Q Do you know the name of his parents? A No.  
Q Do you know whether any of the ancestors of Elizabeth, or of Bogle  
Willis, or of this man, Wilmond, or his wife, 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 Elizabeth and Yarba I don't know anything about, if  
they did, but Wilmond's grand father, I heard got some land.  
Q What was his name? A No-wah.  
Q Was that his father's father, or his mother's father? A Mother's  
father.  
Q Do you know the names of any of No-wah's children? A Know  
Wilmond's mother.  
Q What was her name? A Hi-yi.  
Q Do you know the name of any other one of No-wah's children?  
A Ma-ti-he-mah; that was her sister.  
Q Do you know the name of any other one of No-wah's children?  
A Pis-a-homby.  
Q Do you know any other? A No.  
Q Do you know how much land No-wah got from the Government? A I  
just heard that he got some land, but I never did learn how much  
he got.  
Q Do you know where that land is? A I don't know, where it is.  
Q Do you know when he got it? A No.

Mary Frazier, 7.

- Q Do you know whether he got it under the treaty of Dancing Rabbit Creek, or not? A No, I don't know.
- Q Do you know whether any of the ancestors of Hogle Willis ever got any land under the treaty of Dancing Rabbit Creek, from the Government? A No, I don't know.
- Q Are any of your husband's brothers or sisters living? A No.
- Q Did any of them leave children? A Yes, two left children.
- Q What's the name of the oldest one who left children? A Tom.
- Q Tom what? A They were half brothers; had same father and different mothers.
- Q How many of his children are living now? A One.
- Q What's that child's name? A E-li-i-shubbee.
- Q Has he an English name? A Archie.
- Q What's the name of another one of your husband's brothers who left children? A My husband's brother is living himself.
- Q What's his name? A John.
- Q What? A Frazier.
- Q Did your husband ever have any sisters? A No.
- Q Have you any children living? A Yes.
- Q How many? A Four boys and three girls living.
- Q The boys are, Wesley, Seale, Echol and Henson Frazier? A Yes.
- Q And the girls are what? A Susanna, the wife of Johnson Bell.
- Q Next one? A Annie, the wife of Lampkin Amos.
- Q Next one? A Minerva, the wife of Jim Marris.
- Q Have you any children dead who left children? A One left children.
- Q What's the name of your child who died and left a child? A Margaret.
- Q Is that child living now? A Yes.
- Q With whom does it live? A With its father.
- Q What's its father's name? A Bobo Marris.
- Q Would Coffadeliash be the post office address of Wilmond Joe? A Yes.
- Q Is your brother, Langley Joe, married? A Yes.
- Q Is his wife living? A Yes.
- Q What's her name? A Emily.
- Q Is she a full blood Choctaw? A Yes.
- Q About how old is she? A Forty five.
- Q Has she lived here in Mississippi all her life? A Yes.
- Q Is her father living? A Dead.
- Q What was his name? A Tah-nah-pah-yah.
- Q Did he have an English name? A Willis.
- Q Is her mother living? A Dead long time. I don't know it's name.
- Q Do you know the name of any other of Emily's ancestors? A I don't know.
- Q Have they always lived in Mississippi so far as you know? A Yes.
- Q All been full blood Choctaws, too, have they? A Yes.
- Q About how old is Langley? A About fifty.
- Q Is he your full brother? A Yes.
- Q What's his post office address? A Near Philadelphia.
- Q Has he lived here in Mississippi all his life? A Yes.
- Q How many minor children have they living - Joe and Emily?
- A Two.
- Q What are their names? A Johnnie and Edna.
- Q About how old is Johnnie? A About fifteen.
- Q How old is Edna? A About sixteen.

Q They are both the children of Langley and Emma? A Yes.

Q Have they any other children living with them besides these two?  
A No.

Q Any old folks living with them? A No.

Q Has any application of any description ever been made for these people to your knowledge to the Commission? A No.

Q Lampkin Amos is your son-in-law? A Yes.

Q About how old a man is Lampkin? A Twenty five.

Q Has he lived in Mississippi all his life? A Yes.

Q What would be his post office address? A Coffadelliah.

Q Does he live in Neshoba County? A Kemper.

Q Is he a full blood Choctaw? A Yes.

Q Is his father living? A Dead.

Q What was his name? A Amos.

Q Have any other name? A Choctaw call him Amon.

Q Have any Choctaw name besides Amon? A No.

Q Is he a full blood Choctaw? A Yes.

Q Is Lampkin's mother living? A No.

Q What was her name? A Winnie.

Q Full blood Choctaw? A Yes.

Q Live here in Mississippi all her life? A Yes.

Q Do you know the name of her father or her mother? A Sallie.

Q Have any other name? A I reckon that was her husband; she was named by that -- Nobby

Q How long has she been dead? A I don't know how long.

Q Live here in Mississippi all her life? A Yes.

Q Did she have a Choctaw name? A Not that I know of.

Q Do you know the name of either one of Amos' parents? A No, don't know. He about five or six when I knew him, and his mother , put off and died before then.

Q Do you know whether any of the ancestors of Lampkin 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 I don't know.

Q Did you ever hear of any of them ever having gotten any land from the Government? A No.

Q Did you ever hear of any of them ever getting any money from the Government? A No, never heard of that, but I don't know about his ancestors.

Q Did you ever hear of any of them getting any scrip from the Government? A No, never heard.

Q I believe you stated that Lampkin's wife is named Annie, and she is your daughter? About how old is she? A About twenty.

Q She has always lived here in Mississippi, has she? A Yes.

Q Full blood Choctaw? A Yes.

Q What is her father's name? A Farbus Frazier.

Q Have they any children living? A Yes, one.

Q Julius? A Yes.

Q How old is he? A Born in July last year; you don't know just when.

Q Is he the child of Lampkin and Annie? A Yes.

Q Now, was Annie married before she married Amos? A Yes.

Q What was her husband's name? A Sanderson Marris.

Q Do you know whether any application of any kind was ever made to the Commission for Lampkin or his wife? A I think three years ago at Philadelphia, before they were married.



Mary Frazier, 9.

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 Lampkin Amos for identification as a Mississippi Choctaw Card, Field Number 223; also, upon page 64 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 articles the provisions of the 14th article of the treaty of Dancing Rabbit Creek, being Number 773 thereon.

The records of the Commission further show that on the 31st day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Sanderson Marris, his wife, Annie, and minor children, Nicy and Lula, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 217; also, on page 65 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 provisions of the 14th article of the treaty of Dancing Rabbit Creek, being Numbers 759, 760, 761 and 762, respectively, thereon.

Q Did you ever hear of any other application having been made for Lampkin or his wife, Annie, than this own three years ago at Philadelphia, Mississippi? A No.

Q They are living together now, are they? A Yes.

Q This young child is living with them? A Yes.

(This applicant has the appearance of being a full blood Indian; speaks and understands the Choctaw language and very little English, the examination having been conducted entirely through a sworn Choctaw interpreter. In her examination she has been examined as to the rights of Elizabeth Labin, Bogle Willis, Wilmond Joe. These Indians all live within three or four miles of the camp of the Commission, and have known for at least two weeks of the presence of the Commission at this place. They have never made any application of any description to the Commission, and have refused to appear before us. It is, therefore, deemed proper to consider the testimony of Mary Frazier as an application in their behalf, and it, at least, sets forth the names of the different members of these families.)

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

Nary Frasier, 10.

entitled cause on the 31st day of March, 1902, at Seale, 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 Toles, Mississippi, this 9th day of April, 1902.

L. B. Moseley,  
Clerk U. S. Circuit Court,  
Southern district of Mississippi,

By J. P. Walker,  
Deputy.

Indian Territory. )  
; ss.  
Northern District. )

R. S. Streit, being first duly sworn, upon his oath states that he has carefully compared the above and foregoing with the original transcript from his stenographic notes, taken at Seale, Mississippi, on the 31st day of March, 1902, and that the above and foregoing is a full, true and correct copy in all respects of said original transcript.

*R. S. Streit*  
Subscribed and sworn to before me at Muskogee, Indian Territory, this 20th day of June, 1902.

*Committee*

Notary Public.

MERIDIAN, MISSISSIPPI, October 6, 1903.

Amos Lampkin,

Coffadellah, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on March 31, 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.

Very respectfully,

No. 112---MCR 5113

Special Agent.

Meridian, Mississippi, November 30, 1903.

Amos Lampkin,

Coffadelliah, 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 March 31, 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 112

Special Agent.

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

-oOo-

In the matter of the application for the identification of Lampkin Amos, et al., as Mississippi Choctaws, M.C.R. 5112.

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

It does not appear from the records of this Commission that any application has ever been made for the identification of Lampkin Amos, his wife, Annie Amos, and his minor child, Julius Amos, as Mississippi Choctaws, under the provisions of Section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495):

It does appear, however, that this application was docketed from testimony given in the case of Mary Frazier, M.C.R. 5110, with the evident intention of having the applicants herein appear before this Commission in person and testify relative to their rights as Mississippi Choctaws, prior to the expiration of the time allowed by law in which to make applications for identification as Mississippi Choctaws. Although these applicants have been repeatedly requested to appear before this Commission and give such testimony, they have failed to do so.

It is therefore the opinion of this Commission that the

-2-

application for the identification of Lampkin Amos, Annie Amos and Julius Amos, as Mississippi Choctaws, should be dismissed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

Muskogee, Indian Territory,  
SEP 13 1904

H.C.R. 5112

COPY.

Muskogee, Indian Territory, September 13, 1904.

Lampkin Amos,

Coffadellah, Mississippi.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated September 13, 1904, dismissing your application for identification as Mississippi Choctaws of yourself, your wife, Annie Amos, and son, Julius Amos.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Registered.

Incl. HCR 5112

M.C.R. 5112

COPY.

Muskogee, Indian Territory, September 13, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated September 13, 1904, dismissing the application for identification as Mississippi Choctaws of Lampkin, Annie and Julius Amos.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Incl. MCR 5112



#1944

No. 5112

# For Identification as a Mississippi Choctaw.

Scale Miss  
Date

MAR 31 1902

Name Lampkin Amos  
by Mary Frozier  
Age 25 Blood Full

Post Office, Cofadelaah, Miss.

Father: Amos d

Mother: Winnie " d

Claims through  
wife Annie Amos. (Full) 25  
Father Garbus Frozier " d  
Mother Mary " " L

For self wife and child.

### Children:

Julius Amos 9 mo

(See Miss. Choctaw No 217 as to Anne who was the wife of Sanders, Muris, No. 223 as to Lampkin.)

See testimony of Mary Frozier in her own behalf.

mother's mother Sallie Nombry d

Stenographer

R. A. Strick

Choctaw MCR 5113

Asa Elmon Bull

See MCR 2582, 218

MCR 5113

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

-oOo-

In the matter of the application of Asa Elmon Bull, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5113.

-: I N D E X :-

	(Page)
Original application of Asa Elmon Bull, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of John Bull-----	6
Decision of the Commission identifying Asa Elmon Bull as a Mississippi Choctaw-----	9

-ooOoo-

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

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

John Bull, having been first duly sworn, upon his oath  
testified as follows: (Isham Johnston, duly sworn interpreter.)

Examination by the Commission.

- Q What is your name? A John Bull.  
Q What is your age? A About eighty.  
Q What is your post office address? A Rio, Mississippi.  
Q Where were you born? A In Kemper County.  
Q Have you always lived in Kemper County? A Yes, all the time.  
Q What is your father's name? A I don't know.  
Q Is he living? A No, dead long time.  
Q Was he a full blood Choctaw? A Yes.  
Q What is your mother's name? A I don't know. I little boy when she died.  
Q Was she a full blood Choctaw Indian? A Yes.  
Q She is dead now? A Yes, dead long time.  
Q Are you a full blood Choctaw Indian? A Yes sir.  
Q You claim your Choctaw blood through both your father and mother? A Yes.  
Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No, I do but they both dead.  
Q Are you married? A Yes, my wife dead four or five years.  
Q What was your wife's name? A Susie.  
Q She's dead? A Yes.  
Q Was she a full blood Indian? A Yes.  
Q Have you any children under twenty one years of age and unmarried? A No.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of the tribe? A Not yet.  
Q Did you, or any one for you, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No.  
Q Have you ever made application before this time to either the Choctaw authorities or the United States authorities for citizenship in the Choctaw Nation? A No, this the first time.  
Q You now make application for identification as a Mississippi Choctaw? A Yes sir.  
Q Do you claim this right as a beneficiary under Article Fourteen of the Treaty of 1830? A Yes.  
Q Did you or your ancestors ever receive any benefits as Choctaw Indians? A Little money in the Territory, about one hundred dollars.  
Q When was that? A Long time, when I was a boy.

John Bull, #2.

- Q Did you go to the Indian Territory? A Yes.  
Q Did you get any land? A No.  
Q When did you go to the Territory? A I think I about ten years old  
Q That was seventy years ago? A Yes.  
Q You are eighty or more now? A Yes.  
Q Did you go with a lot of other people? A Yes.  
Q That's when the Government sent the people out and you went too?  
A Yes.  
Q When did you go to in the Territory? A Skullyville.  
Q How long did you stay there? A About a month.  
Q What made you come back? A Well, my folks come back and I come with them.  
Q Did your father go? A No. I aint got no kin folks.  
Q Your father and mother dead at that time? A Yes.  
Q They were dead when you went to the Territory? A Yes.  
Q Did your grand pa go? A All dead.  
Q Did he go to the Territory? A No, all died.  
Q Grand ma died too? A Yes.  
Q What kin folks took you? A Well, I just go with Hugh McDonald.  
Q Can you give me the name of any of your ancestors? A I don't know.  
Q You can't give me the name of any of your ancestors who went from Mississippi or Alabama to the Territory? A No, they all died.  
Q Did any of your ancestors go to the United States Indian Agent here in Mississippi and tell him they wanted to stay here in Mississippi and not go there? A I don't know; they all dead.  
Q Did any of your ancestors claim or receive any land from the Government under Article Fourteen of the Treaty of 1830? A My grandmother got some land.  
Q Did your grand mother get some land? A Yes.  
Q Where? A I live on it in Kemper County.  
Q Your grand mother got some land in Kemper County from the Government? A Yes.  
Q What was her name? A I don't know.  
Q Do you live on that land your grand mother got? A Yes.  
Q How do you know she got it from the Government? A I got deed.  
Q What is it, sheep skin? A Yes.  
Q Have you got it with you? A No.  
Q Have you got a patent from the Government for that land? A Yes.  
Q Don't you want to give it in as evidence? A Yes.  
Q How does that deed look? A Just like cloth.  
Q It doesn't look like paper? A No.  
Q Is it sheep skin? A Looks like it.  
Q Don't look like paper? A No.  
Q Got printing all over it? A Yes. That sheepskin said 640 acres; Hugh McDonald have half, they give grand ma 320.  
Q What did Hugh McDonald take it for? A I don't know.  
Q Who was he? A He was a white man.  
Q What was he? A Just half they took.  
Q He was an interpreter? A Yes.  
Q And you went with him to the Territory? A Yes.  
Q Now, will you bring that patent here, that deed, so the Commission can see it? A Yes.  
Q When will you bring it? A Any time.

Thirty days time is allowed the applicant in which to produce the original patent issued by the United States Government to his grand mother to 320 acres of land in

John Bull, #3.

Kemper County; and also other documentary evidence if he desires to submit same in support of this application.

- Q Do you speak Choctaw all the time? A Yes.  
Q You don't understand the English language so well? A No sir.  
Q Are there any additional statements you desire to make at this time in support of your application? A No.

(This applicant has the appearance and all of the physical characteristics of a full blood Choctaw Indian. He speaks the Choctaw language; he has also a sufficient knowledge of the English language to give his testimony with very little assistance from a sworn Choctaw interpreter. He claims a compliance on the part of his grand mother, whose name he does not now remember, with the provisions of the Fourteenth Article of the Treaty of 1830. He claims to be possessed of the original patent given to her by the United States Government, and for the purpose of its production, thirty days time is given him by the Commission in order that he may comply with the request to present it in support of this application which he makes in his own behalf.)

The decision of the Commission as to the application you make at this time for identification as a Mississippi Choctaw will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 21, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 5th day of June, 1901, and that the above and foregoing is a full true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 19th day of July, 1901.

*[Signature]*  
Notary Public.

5113

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Scale, Mississippi, March 31st, 1902.

In the matter of the application of Asa Elmon Bull for the identification of himself and his wife Susan as Mississippi Choctaws.

Said Asa Elmon Bull, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Asa Elmon Bull.  
Q How old are you? A About twenty-eight.  
Q Are you a full blood Choctaw Indian? A Yes.  
Q What's your postoffice address? A North Bend.  
Q Do you live in Neshoba County? A Yes.  
Q How long have you lived in Neshoba County? A I lived in Kemper County until three years ago.  
Q You have lived in this State, then, all your life? A Yes.  
Q Is your father living? A Yes.  
Q What's his name? A John Bull.  
Q Has he a Choctaw name? A OOn-tah-tah.  
Q Has he lived here in Mississippi all his life? A Yes.  
Q Is your father's father living? A No.  
Q What was his name? A I don't know.  
Q Is your father's mother living? A I don't know.  
Q Do you know what her name was? A No.  
Q Is your mother living? A Dead.  
Q What was her name? A Chi-mi-ho-nah.  
Q How old would your mother be if she were living now? A About fifty.  
Q Did she have an English name too? A Yes, Susan.  
Q Did she live here in Mississippi all her life? A Yes.  
Q Was she a full blood Choctaw? A Yes.  
Q Do you know the name of her father or her mother? A I don't know.  
Q Have you given us the names of all of your ancestors whose names you remember? A Yew.  
Q Is your wife living? A Yes.  
Q Are you living with her at this time? A Yes.  
Q What's her name? A Susan.  
Q Have you any children living? A No.  
Q Were you ever married before you married Susan? A No.  
Q Was Susan ever married before she married you? A No.  
Q How much Choctaw blood has Susan? A She aint full blood Choctaw-her daddy was a half white man and half Choctaw.  
Q Her mother was a full blood Choctaw? A Yes.  
Q Susan, then, was a three quarter Choctaw--is that right? A Yes.  
Q How old is she? A Twenty-five.  
Q How long have you been married to her? A Nine years.  
Q Were you married under a license or according to Choctaw custom?  
A Choctaw custom.  
Q Is Susan's father living? A Yes.  
Q What's his name? A Dibbin Marris.  
Q Is Susan's mother living? A No.  
Q What was her name? A Jennie.

Asa Elmon Bull et al--2

- Q Did she have a Choctaw name? A Yes, La-sine.  
Q How old would Jennie be if she were living now? A I don't know.  
Q Do you know the names of any of your wife's grandparents? A No.  
Q So far as you know, have all of your wife's ancestors always lived here in Mississippi? A Yes.  
Q Have you any children living in your family? A No.  
Q Any old folks living with you? A No.  
Q Is your name or your wife's name on any of the Choctaw Tribal rolls in Indian Territory? A I think not.  
Q Has any application of any description ever been made before today for you or your wife? A Yes, at Philadelphia 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 Asa E. Bull and his wife Susan as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No. 218, 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 763 and 764 respectively thereon.

- Q Is this application made for you three years ago at Philadelphia the only application of any description that has ever been made for you or your wife? A Yes.  
Q Do you understand the 14th article of the Treaty of Dancing Rabbit Creek? A Yes.  
Q You have heard it explained here this morning? A Yes.  
Q Did any of ~~you~~ your ancestors or any of your wife's ancestors ever do as that 14th article required that a Choctaw should do in case he desired to stay here in Mississippi and not move out west to the new nation 70 years ago when most of the Indians moved out there? 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 never heard.  
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 never heard if they did.  
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 from the Government? A No, never did hear.

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 ~~in the manner~~ 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 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 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 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, 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 of the United States under this act of Congress? A I never heard if they did.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of your wife's ancestors by the Government of the United States covering land here in Mississippi? A Never see or heard.

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 under that article? A No.

Q Do you know of any written evidence of any description which

Asa Elmon Bull et al--4

- would 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 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 of our appointments here in Mississippi this Spring, including the one at Meridian from April 14th to 30th, 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.  
Q Have you any brothers living? A Yes.  
Q How many? A Four.  
Q What are their names? A Pink, Huston, George and Bob.  
Q Is that all of them? A Yes.  
Q Any sisters living? A One.  
Q What's her name? A Lil.  
Q Is she married? A No.  
Q Live at home with her father, does she? A Yes.  
Q Have you any brothers or sisters dead who left children? A No.  
Q Has your father any brothers living? A No.  
Q Any brothers dead who left children? A No.  
Q Has he any sisters living? A No.  
Q Any sisters dead who left children? A No.  
Q Are any of your mother's brothers living? A One.  
Q What's his name? A John Willis.  
Q Live down about Toles, in Kemper County? A Yes.  
Q Has your mother any brothers dead who left children? A No.  
Q Has your mother any sisters living? A No.  
Q Has she any sisters dead who left children? 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 partially in English and partially 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 Seale, Mississippi, March 31st, 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 7th day of April, 1902,

Ass Kinca Bull et al-5

at Toles, Mississippi.

*L. D. Massey*

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

By

*J. M. W.*

Deputy.

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

-oOo-

In the matter of the application of Asa Elmon Bull, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5113.

---: 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 March 31, 1902, by Asa Elmon Bull for himself and his wife, Susan Bull, 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 principal applicant herein is a full-blood Mississippi Choctaw Indian. Susan Bull is a mixed blood Choctaw, and whatever rights as a Mississippi Choctaw she may possess by reason thereof will be determined at a later date.

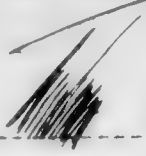
(2)


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 Asa Elmon Bull should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
-----  
Chairman.

  
-----  
Commissioner.

  
-----  
Commissioner.

Muskogee, Indian Territory,

MAY 20 1904

-----  
Commissioner.

Ardenre, I. T. February 16, 1903.

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

You will please deliver to J. G. Ralls, of Atoka,  
Indian Territory, any copies of the records in my case, that under  
the rule of law the Commission may give out to Attorneys, as I have  
employed him to assist me in this case.

WITNESSES:

Reva Tippit  
Laura Bell

Ellman <sup>his</sup> Bull  
mark

Ellman Bull also applied for his  
wife Susie, and their one child Susie.

*W. E. Stanley*

COMMISSIONERS

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

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6113.

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 11, 1903.

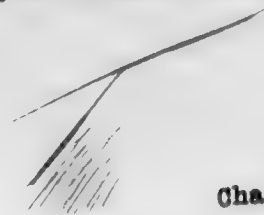
Ass Elmon Bull,  
Ardmore, Indian Territory.

Dear Sir:

It appears from our records that on March 31, 1902, you appeared before this Commission, at Seale, Mississippi, and there made application for the identification of yourself and wife as Mississippi Choctaws.

From your testimony at that time it is impossible to determine whether or not you are a full-blood Choctaw; and for the purpose of obtaining this information in proper form, there is enclosed you herewith a blank affidavit, in interrogatory form, which you are requested to take before some notary public and answer under oath the questions therein propounded, returning the same to this Commission in the enclosed envelope, which requires no postage. This matter should receive your prompt attention.

Respectfully,



Chairman.

Env & JYM-21.

M:O.R. 5113

COPY.

Muskogee, Indian Territory, May 20, 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 20, 1904, identifying Asa Elmon Bull as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Asa Elmon Bull 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, his name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

Incl. MCR 5113.

(See MCR 7433 for registry receipt for this letter.)



H.C.B. 8113

COPY.

Muskogee, Indian Territory, May 20, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on May 20, 1904, rendered its decision identifying Asa Elmon Bull as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order for the person so identified to avail himself of the benefits of such identification, he must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 20, 1904, and must make proof of such removal and settlement on or before May 20, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

M.C.R. 5113

COPY:

Muskogee, Indian Territory, May 20, 1904.

Asa Elmon Bull,

Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 20, 1904, identifying you as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat. 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 20, 1904, and must make proof of such removal and settlement on or before May 20, 1905, at the office of the Commissioner, Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*I. B. Needles*

Commissioner in Charge.

Registered.

Incl. MCR 5113.

W C R 5113

Muskogee, Indian Territory, July 13, 1904.

Edmon Bull,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you state it appears that your brother, Bob Bull, your sister, Sealy Marris, and your father, John Bull, have filed on land, and you ask if any further proof is necessary in your case in order that you may select an allotment.

In reply you are informed that it appears from our records that on May 20, 1904, the Commission rendered a decision identifying Asa Elmon Bull, husband of Susan Bull, and brother of Robert E. Bull and Sealy Marris, as a full blood Mississippi Choctaw, under the provisions of the 41st section of the Act of Congress approved July 1, 1902 (32 Stats., 641).

It is believed that you are identical with the Asa Elmon Bull above mentioned and if you will advise the Commission that such is the case, the Commission's letter of May 20, 1904, addressed to Asa Elmon Bull, Ardmore, Indian Territory, notifying him of his identification as a Mississippi Choctaw, and which was returned to this office marked "unclaimed," will be re-mailed to you.

The name of Asa Elmon Bull appears upon a schedule of duly identified Mississippi Choctaws prepared by this Commission

1 3 2

and forwarded to the Secretary of the Interior for his approval. When the same is returned to this office approved by the Secretary, application may then be made at either the Choctaw or Chickasaw Land Office for selection of allotment in the name of Asa Elton Bull.

Respectfully,

Chairman.

M C R 5113

Muskogee, Indian Territory, August 12, 1904.

Elmer Bull,

Post Office Box #222,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, asking that a copy of your identification papers be mailed you.

In reply you are informed that the Commission is this day remailing to you at Ardmore, Indian Territory, post office box No. 222, notice of your identification as a Mississippi Choctaw, which was recently returned to this office marked "unclaimed."

Respectfully,

Commissioner in Charge.

COPY.

M.C.R. 5113

Muskogee, Indian Territory, September 27, 1904.

Susan Bull,

Ardmore, Indian Territory,

Dear Madam:

Inclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 24, 1904, identifying you as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641), in order for you to avail yourself of the benefits thereof you must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before March 27, 1905. The Act above referred to also provides that proof of such settlement shall be made to this Commission within one year after the date of your identification as a Mississippi Choctaw.

By the Act of Congress approved April 21, 1904, (public No. 125), it is provided that the Commission shall close its work and terminate on or before the first day of July, 1905. It is, therefore, suggested that you appear before the Commission, at the Choctaw Land Office, at Atoka, Indian Territory, or the Chickasaw Land Office, at Tishomingo, Indian Territory for the purpose of making proof of your removal to and settlement within the Choctaw-

S. B. 2

Chickasaw country, at the earliest practicable date.

Respectfully,

SIGNED *James Bixby.*

Chairman.

Registered.

Incl. M.C.R. 5113.

945

No. 5113

For Identification as a Mississippi Choctaw.

State, Miss. Date

MAR 31 1902

Name Ua Elmon Bull

Age 28 Blood full

Post Office, North Bend, Miss.

Father: John Bull L

Mother: Chi-mi-ho-nok d  
Susan

Claims through

wife Susan Bull (3/4) 25  
Father Gibbin Harris (1/2) L  
Mother Jennie " d

For use of

Children:

Ua Elmon Bull

Stenographer

J. S. Niles



General Office M. C. R.

Advising that further testimony  
is necessary in support of appli-  
cation for identification as a  
Full-blood Cheetaw.  
Blank aff'davit.

Ara Elmon Bull,

~~Arizon~~ Indian Territory.



Department of the Interior,

Commission to the Five Civilized Tribes

MUSKOGEE SMD, T. ENV

OFFICIAL BUSINESS

Penalty for private use, \$300.

5113



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**

OCT 14 1903

A handwritten signature or set of initials is written in dark ink below the date stamp. The signature is somewhat stylized and difficult to read.

Small, illegible handwritten mark or initials.

Choctaw MCR 5114

Sudie Cotton.

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

-oOo- .

In the matter of the application of Sudie Cotton, et al.,  
for identification as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application of  
Sudie Cotton, et al., for identification as Mississippi  
Choctaws, M.C.R. 5114.

-oOo-

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

-oOo-

In the matter of the application of Sudie Cotton, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5114.

--: I N D E X :--

	(Page)
Original application of <u>Sudie Cotton, et al.</u> , to the Dawes Commission for identification as <u>Mississippi Choctaws</u> -----	1
Decision of the Commission identifying <u>Sudie Cotton, et al.</u> , as <u>Mississippi Choctaws</u> -----	4

-oOo-

M.C. 5114

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Seale, Mississippi, March 31st, 1902.

In the matter of the application of Sudie Cotton for the identification of herself and two minor children, Linnie and Isman, as Mississippi Choctaws, represented by Archie Tom.

Said Archie Tom, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Archie Tom.
- Q Have you a Choctaw name? A Yes.
- Q What's that Choctaw name? A Li-shubbee.
- Q How old are you? A About forty-five, somewheres along there.
- Q What's your postoffice address? A Coffadeliah.
- Q How much Choctaw blood have you? A Full blood.
- Q Are you acquainted with a Choctaw by the name of Sudie Cotton?
- A Yes.
- Q How long have you known her? A Ever since she was a little girl.
- Q Is she a full blood Choctaw? A yes.
- Q How far does she live from you? A About two-hundred or three hundred ~~xxx~~ yards.
- Q Has she lived here in Mississippi all her life? A Yes.
- Q About how old is she? A About twenty-four I reckon--somewhere about that.
- Q Is Coffadeliah her postoffice? A yes.
- Q Is her father living? A Yes.
- Q What's his name? A Allen Elis.
- Q Is he a full blood Choctaw? A Yes.
- Q Is Sudie's mother living? A yes.
- Q What's her name? A Amy .
- Q Is she a full blood Choctaw? A yes .
- Q She and Allen have both lived here in Mississippi all their lives have they? A Yes.
- Q Is Sudie married? A Yes--she's been married to Bill Cotton but they separated.
- Q How long since they were together? A About a year now.
- Q How long did they live together? A About ~~two~~ years they stayed together.
- Q Were they married under a license or according to Choctaw custom?
- A Choctaw.
- Q Have either of them married again since they separated? A No, I don't think so.
- Q Is Bill Cotton a full blood Choctaw? A Yes.
- Q About how old is Bill? A About twenty-twenty-five, twenty-four, somewheres along there.
- Q Where does he live? A He lives in Kemper.
- Q What's his postoffice address? A I don't know--he lives on Jim Mardis's place.
- Q Mardis is his postoffice, then? A Yes.
- Q Is Bill's father living? A No, been dead long time.
- Q What was his name? A I don't know--never seen him.

Sudie Cotton et al--2

- Q Didn't you ever hear what Bill's father's name was? A No.  
Q Was he a full blood Choctaw? A Yes.  
Q Did he live here in Mississippi all his life? A Yes.  
Q Do you know the name of his father or his mother? A No.  
Q Is Bill's mother living? A Yes.  
Q What's her name? A La-ti-mah Kate, the wife of Tom Kate.  
Q Has she an English name? A Lucy.  
Q Is Lucy a full blood Choctaw Indian? A Yes.  
Q Lived here in Mississippi all her life? A Yes, all her life.  
Q Do you know the name of her father or mother? A No, I don't know.  
Q As far as you know, have all of Bill Cotton's ancestors been full blood Choctaws? A Yes.  
Q And they have all lived here in Mississippi? A Yes, in Mississippi.  
Q Has Sudie any children by Bill Cotton living? A Yes, got two.  
Q What are their names? A Linnie.  
Q How old? A About two years old.  
Q Next one? A Isman.  
Q Is that a boy? A Yes.  
Q How old? A About three months.  
Q Are these two children living with Sudie now? A Yes.  
Q Bill cotton has no Choctaws living with him, then? A No.  
Q Has Sudie any other children living with her besides these two?  
A No.  
Q You have heretofore given testimony in your own behalf? A Yes.  
Q Do you know whether any of the ancestors of this man Bill Cotton 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 Did you ever hear of any of them having received land or money from the Government? A No, I never heard of it.  
Q Did you ever hear of any of them ever having gotten any scrip from the Government? A No, never heard.  
Q Do you know of any old person living who would likely know whether 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 thereunder? A No, I don't know of any.

Sudie Cotton, for whom this application is made, has had due notice of the presence of the Commission within a mile and a half of her home for at least three weeks. She and her father Allen Elis have positively refused to appear before the Commission--the same is true as to her husband Bill Cotton, from whom she is now separated.

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 Seale, Mississippi, March 31st, 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 7th day of April, 1902,

Budie Cotton et al--3

at Toles, 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.

-oOo-

In the matter of the application of Sudie Cotton, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5114.

---: 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 March 31, 1902, by Archie Tom for Sudie Cotton and her two minor children, Linnie and Isman Cotton, under the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

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

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902,

( 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 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 Sudie Cotton, Linnie Cotton and Isman Cotton, should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

Commissioner.

MAY 20 1904

MERIDIAN, MISSISSIPPI, September 30, 1903.

Sudie Cotton,

Co ffadellah, Mississippi.

Dear Madam:-

It appears from the records of the Commission that on March 31, 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 Daves 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 AM and 6 PM.

Very respectfully,

No. 75---M C R 5114

Special Agent.

Meridian, Mississippi, November 25, 1903.

Sudie Cotton,

Coffadelliah, Mississippi.

Dear Madam-

Under date of September 30, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 31, 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 from 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,

COPY

M.C.R. 5114

Muskogee, Indian Territory, May 20, 1904.

Sadie Cotton,

Coffadelliah, Mississippi,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 20, 1904, identifying you and your two minor children Linnie and Isman Cotton 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 20, 1904, and must make proof of such removal and settlement on or before May 20, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*T. B. Hodges.*

Commissioner in Charge.

Registered.

Incl. MCR 5114.

M.C.R. 5114

COPY.

Muskogee, Indian Territory, May 20, 1904.

Mansfield, McMurray & Gornish,  
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 20, 1904, identifying Sadie Cotton, Linnie Cotton and Ismen Cotton as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said 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)

*T. B. Noddies.*  
Commissioner in Charge.

Registered.

Incl. MCR 5114.

*W. O. B.*

COMMISSIONERS  
TAMM BIXBY  
THOMAS B NEEDLES  
C R BRECKINRIDGE

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

REFER IN REPLY TO THE FOLLOWING

**N.C.R. 5114**

WM J BEALL  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**Muskogee, Indian Territory, May 20, 1904.**

Archie Tom,  
Coffadellah, Mississippi,

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on May 20, 1904, rendered its decision identifying Sudie Cotton and her two children, Linnie and Isman cotton, 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 for the persons so identified to avail themselves of the benefits of such identification, they must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 20, 1904, and must make proof of such removal and settlement on or before May 20, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,



Commissioner in Charge.

#1946

No. 5114

For Identification as a Mississippi Choctaw.

State, Miss. Date MAR 31 1902

Name, Studie Cotton

Age 24 Blood full

Post Office, Coffadeliah, Miss.

Father: Allen Ellis

Mother: Amy

Claims through

husband Bill Cotton (full) 25

Father - dont know - d

Mother Lak-w-moh Kate d

For self 2 children

Children:

Linnie Cotton 2

Isman " (M) 3 mo

Studie & Bill Cotton are separated

Stenographer

J. S. Miles.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



General Office, C.F.

5114

*Unchanged*

*Returned to writer*

Archie Tom,

Coffadelliah, Mississippi.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

SEP - 6 1904

*[Handwritten signature]*

CHAIRMAN

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



*Unclaimed 2487*

*Returned to writer*

Wade Cotton,

Confederate, Mississippi.

*58 1-1/4*

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

A handwritten signature in dark ink, appearing to be "T. S. C. S.", written in a cursive style.

CHAIRMAN

\*Choctaw MCR 5115

Bill Cotton

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

-oOo-

In the matter of the application for the identification of  
Bill Cotton as a Mississippi Choctaw.

-oOo-

Herein is the record in the matter of the application for  
the identification of Bill Cotton as a Mississippi Choc-  
taw, M.C.R. 5115.

-oOo-

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Seale, Mississippi, March 31st, 1902.

In the matter of the application of Sudie Cotton for the identification of herself and two minor children, Linnie and Isman, as Mississippi Choctaws, represented by Archie Tom.

Said Archie Tom, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Archie Tom.
- Q Have you a Choctaw name? A Yes.
- Q What's that Choctaw name? A Li-shubbee.
- Q How old are you? A About forty-five, somewheres along there.
- Q What's your postoffice address? A Coffadeliah.
- Q How much Choctaw blood have you? A Full blood.
- Q Are you acquainted with a Choctaw by the name of Sudie Cotton?
- A Yes.
- Q How long have you known her? A Ever since she was a little girl.
- Q Is she a full blood Choctaw? A Yes.
- Q How far does she live from you? A About two-hundred or three hundred ~~xxx~~ yards.
- Q Has she lived here in Mississippi all her life? A Yes.
- Q About how old is she? A About twenty-four I reckon--somewhere about that.
- Q Is Coffadeliah her postoffice? A Yes.
- Q Is her father living? A Yes.
- Q What's his name? A Allen Elis.
- Q Is he a full blood Choctaw? A Yes.
- Q Is Sudie's mother living? A Yes.
- Q What's her name? A Amy.
- Q Is she a full blood Choctaw? A Yes.
- Q She and Allen have both lived here in Mississippi all their lives have they? A Yes.
- Q Is Sudie married? A Yes--she's been married to Bill Cotton but they separated.
- Q How long since they were together? A About a year now.
- Q How long did they live together? A About two years they stayed together.
- Q Were they married under a license or according to Choctaw custom?
- A Choctaw.
- Q Have either of them married again since they separated? A No, I don't think so.
- Q Is Bill Cotton a full blood Choctaw? A Yes.
- Q About how old is Bill? A About twenty-two, twenty-four, somewheres along there.
- Q Where does he live? A He lives in Kemper.
- Q What's his postoffice address? A I don't know--he lives on Jim Mardis's place.
- Q Mardis is his postoffice, then? A Yes.
- Q Is Bill's father living? A No, been dead long time.
- Q What was his name? A I don't know--never seen him.

Sudie Cotton et al--2

- Q Didn't you ever hear what Bill's father's name was? A No.  
Q Was he a full blood Choctaw? A Yes.  
Q Did he live here in Mississippi all his life? A Yes.  
Q Do you know the name of his father or his mother? A No.  
Q Is Bill's mother living? A Yes.  
Q What's her name? A La-ti-mah Kate, the wife of Tom Kate.  
Q Was she an English name? A Lucy.  
Q Is Lucy a full blood Choctaw Indian? A Yes.  
Q Lived here in Mississippi all her life? A Yes, all her life.  
Q Do you know the name of her father or mother? A No, I don't know.  
Q As far as you know, have all of Bill Cotton's ancestors been full blood Choctaws? A Yes.  
Q And they have all lived here in Mississippi? A Yes, in Mississippi.  
Q Has Sudie any children by Bill Cotton living? A Yes, got two.  
Q What are their names? A Linnie.  
Q How old? A About two years old.  
Q Next one? A Isman.  
Q Is that a boy? A Yes.  
Q How old? A About three months.  
Q Are these two children living with Sudie now? A Yes.  
Q Bill cotton has no Choctaws living with him, then? A No.  
Q Has Sudie any other children living with her besides these two?  
A No.  
Q You have heretofore given testimony in your own behalf? A Yes.  
Q Do you know whether any of the ancestors of this man Bill Cotton 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 Did you ever hear of any of them having received land or money from the Government? A No, I never heard of it.  
Q Did you ever hear of any of them ever having gotten any scrip from the Government? A No, never heard.  
Q Do you know of any old person living who would likely know whether 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 thereunder? A No, I don't know of any.

Sudie Cotton, for whom this application is made, has had due notice of the presence of the Commission within a mile and a half of her home for at least three weeks. She and her father Allen Elis have positively refused to appear before the Commission--the same is true as to her husband Bill Cotton, from whom she is now separated.

-----

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 Seale, Mississippi, March 31st, 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 7th day of April, 1902,



Eddie Cotton et al--3

at Teles, Mississippi.

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

By *[Signature]*

Deputy.

MERIDIAN, MISSISSIPPI, October 5, 1903.

Bill Cotton,

Mardis, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on March 31, 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.

very respectfully,

No. 93----5115.

Special Agent.

Meridian, Mississippi, November 28, 1903.

Bill Cotton,

Mardis, Mississippi.

Dear Sir-

Under date of October 5, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 31, 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 93

Special Agent.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-cOo-

In the matter of the application for the identification of Bill Cotton as a Mississippi Choctaw, M.C.R. 5115.

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

It does not appear from the records of this Commission that any application has ever been made for the identification of Bill Cotton, the applicant in the above entitled case, as a Mississippi Choctaw, under the provisions of Section twenty-one of the act of Congress approved June 28, 1898, (30 Stats., 495).

It does appear, however, that this application was docketed from testimony given in the case of Sudie Cotton, et al., M.C.R. 5114, with the evident intention of having the applicant herein appear before this Commission in person and testify relative to his rights as a Mississippi Choctaw, prior to the expiration of time allowed by law in which to make applications for identification as Mississippi Choctaws. Although this applicant has been repeatedly requested to appear before this Commission and give such testimony,

-2-

he has failed to do so.

It is therefore the opinion of this Commission that the application for the identification of Bill Cotton, as a Mississippi Choctaw, should be dismissed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Muskogee, Indian Territory.

SEP 13 1904

M.C.R. 5115

COPY!

Muskogee, Indian Territory, September 13, 1904.

Bill Cotton,

Madis, Mississippi.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated September 13, 1904, dismissing your application for identification as a Mississippi Choctaw.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Registered.

Incl. MCR 5115

M.C.R. 5115

COPY.

Muskogee, Indian Territory, September 13, 1904.

**Mansfield, McMurray & Cornish,**

**Attorneys for Choctaw and Chickasaw Nations,**

**South McAlester, Indian Territory.**

**Gentlemen:**

Inclosed herewith you will find a copy of the order of the Commission, dated September 13, 1904, dismissing the application for identification as a Mississippi Choctaw of Bill Cotton.

Respectfully,

(SIGNED)

*James Bixby.*

Chairman.

Incl. MCR 5115

#1947

No. 5115

For Identification as a Mississippi Choctaw.

Seale Miss. Date MAR 31 1902

Name Bill Cotton  
by Archie Cotton

Age 25 Blood full

Post Office, Nardis, Miss.

Father: dont know d

Mother: Lucy Kate  
Lah-te-moh- d

Claims through  
For self only.

Children:

... statement of ...  
with reference to application  
of Audie Cotton, formerly  
wife of Bill Cotton.

Stenographer

J. S. Niles



Department of the Interior.

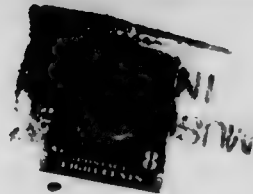
Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

*unclaimed at this office  
No office at Mardis*

~~Bill Cotton,~~

~~Mardis, Mississippi.~~



REGISTERED

SEP 22 1904

MUSKOGEE, IND. TER.

308

FILED

1877  
JAN 4

Choctaw MCR 5116

Archie Tom (Li-shubbee)

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

-----oOo-----

In the matter of the application of Archie Tom, (Lishubbee), et al., for identification as  
Mississippi Choctaws, M C R 5116.

--o---

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

-----oOo-----

In the matter of the application of Archie Tom, (Li-shubbee),  
et al., for identification as Mississippi Choctaws, M C R 5116.

-----o-----

-----:I N D E X :-----

-----o-----

	Page
Original application of Archie Tom (Li-shubbee), et al., for identification as Mississippi Choctaws---	1
Decision of the Commission identifying the above applicants,-----	6

-o-

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Seale, Mississippi, March 31st, 1902.

In the matter of the application of Archie Tom for the identification of himself and one minor child, Adaline, as Mississippi Choctaws.

Said Archie Tom, being first duly sworn, testified as follows:  
(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Archie Tom.
- Q Have you a Choctaw name? A Yes.
- Q What's that Choctaw name? A Li-shubbee.
- Q How old are you? A About forty-five, somewhere along there.
- Q How much Choctaw blood have you? A All Choctaw.
- Q What's your postoffice address? A Coffadelliah.
- Q Do you live in Neshoba County? A Yes.
- Q How long have you lived in Neshoba? A All my life.
- Q Is your father living? A Dead.
- Q How long has he been dead? A About twenty some odd years.
- Q What was his name? A Il-lo-ma-tubbee.
- Q What was his English name? A Sandtown Tom.
- Q How old would your father be if he were living? A About seventy I believe.
- Q Did he live here in Mississippi all his life? A Yes, I was little fellow but I see him.
- Q Was he a full blood Choctaw? A yes.
- Q Do you know the name of either one of his parents? A No, I don't know.
- Q Is your mother living? A No.
- Q What was her name? A Mary, I was a little baby when she died.
- Q Do you know what her Choctaw name was? A No.
- Q Was she older or younger than your father? A I don't know.
- Q Do you know the name of her father or mother? A Jacob.
- Q That was your mother's father? A Yes.
- Q Did he have any other name? A Nock-ah-yah.
- Q Do you know the name of your mother's mother? A Yes, she raised me--her name Julia--I don't know her Indian name.
- Q Is she living now? A She been dead long time. \*\*
- Q You don't know her Choctaw name then? A No.
- Q Was she a full blood Choctaw? A Yes.
- Q Lived here in Mississippi all her life? A yes.
- Q Was Jacob a full blood? A yes.
- Q Did he live here all his life? A Yes.
- Q Have you told us the names of all your ancestors whose names you know? A Yes, that's all I know.
- Q Are you married? A I been married once, my wife's been dead long time.
- Q What was your wife's name? A Jane.
- Q Was she a full blood Choctaw? A yes.
- Q Live here in Mississippi all her life? A Yes.
- Q Were you married to her under a license or according to Choctaw custom? A Choctaw custom.
- Q How long did you live with her? A About twenty years.

- Q Is her father living? A Dead.
- Q What was his name? A I don't know.
- Q Do you know the name of his father or mother? A No.
- Q Was he a full blood Choctaw, your wife's father? A Yes.
- Q Lived here in Mississippi all his life? A Yes.
- Q Do you know the name of your wife's mother? A I-in-o-te-mah.
- Q Is she dead? A Yes, dead long time.
- Q Did she live here in Mississippi all her life? A yes.
- Q Full blood? A yes.
- Q Do you know the names of her parents? A No.
- Q Have you told us the names of all of your wife's ancestors whose names you know? A Yes.
- Q How many children have you living? A Two.
- Q Have you any children dead who left children? A No.
- Q What's the name of your oldest child? A Frances.
- Q Is she married? A Yes, she married Wesley Philip.
- Q What's the name of your other child? A Adaline.
- Q She lives with you now, does she? A yes.
- Q How old is she? A About eight years old.
- Q Is she the child of yourself and Jane? A Yes.
- Q Have you any other children living in your family? A No.
- Q Have you any old folks living with you? A No.
- Q Is your name of the name of your minor child to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No.
- 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, this is the first application.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes, I understand it.
- Q Did any of your ancestors or any of your wife's ancestors do as that 14th article required a Choctaw to do in case he desired to stay here in Mississippi and become a citizen of the States and take land in place of moving to the Choctaw Nation in Indian Territory when the greater portion of the Choctaw Tribe moved out there nearly 70 years ago? 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 of Dancing Rabbit Creek was made? A I don't know if they did--old folks never told me.
- Q Did any of them live here at that time? A Never heard if they did.
- 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 No, I've never heard.
- 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 never heard if they did.
- Q Did you ever hear of any of your ancestors or any of your wife's ancestors ever having gotten any land here in Mississippi from the Government? A I don't know--only what Mary Frazier told about

that land. She told about her husband's ancestors getting some land from the Government. That's all I know about it.

Q What relation are you to Mary Frazier's husband-farbis Frazier?

A Farbis's father and my father were half brothers; the same mother and a different father.

Q What was their mother's name? A I don't know.

Q Do you know their fathers names? A I don't know.

Q Where is that land? A Sandtown.

Q In this County? A Yes.

Q How far from this camp? A About three miles.

Q Do you live on that land now? A No.

Q Don't you live on some land that some of your ancestors or some of your wife's ancestors got from the Government a long time ago?

A I don't know.

Q Do you own the land you live on now? A It belongs to someone that's dead--It belonged to Jim Thompson.

Q Was he a Choctaw? A Yes.

Q Full blood? A Yes.

Q Any kin to you? A No.

Q Has he any kin folks living? A No, aint nobody. He left this land and I just pay taxes on it and live on it.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to 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 Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States 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 ~~was~~ 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 or any of your wife's ancestors 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.



Archie Tom et al--4

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally decided 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 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 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 If any of my ancestors or any of my wife's ancestors get any scrip I never heard of it.
- Q Did you ever see or hear of any deed or patent issued by the Government to any of your ancestors or any of your wife's ancestors covering land here in Mississippi? A No, I never see or hear.
- 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 this 14th article 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 of any.
- Q Have you any written evidence to offer at this time? A No.
- Q Any witnesses? 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 of our appointments here in Mississippi this Spring, including the one 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 in support of your application? A No.
- Q Have you any brothers living? A There was two of us--my brother died long time ago.
- Q Did he leave children? A Yes, one.
- Q What's the name of that child? A Susan --the wife of a man by the name of Ellis Hickman.
- Q Have you any sisters living? A No, never did have any.
- Q Are any of your father's brothers or sisters living? A No full brothers or sisters living.
- Q Has he any half brothers or half sisters living? A Just one half brother living.
- Q What's his name? A John Frazier.
- Q Has your father any half brothers dead? A Two dead--one of them was Parbis Frazier, the husband of Mary Frazier.
- Q What was the name of the other brother? A John; he had two brothers named John.

Archie Tom et al--5

- Q Did this brother John who is dead leave children? A Yes, one.  
Q What's that child's name? A Jacoway Frazier--I think he appeared before the Commission at Meridian.  
Q Did Farbis leave any children? A Yes, good many.  
Q What are their names? A Wesley, Seal, Henson, Echol, Annie--the wife of Lampkin Amos, Susanna--the wife of Johnson Bell, Minerva--the wife of Jim Marris; Margaret, who was the wife of Bobo Marris, is dead, she left one child, Otis.  
Q Did your father ever have any half sisters? A No.  
Q Did your mother ever have any full brothers or sisters? A yes--she has one full brother Teach Jacob who is living now--she never had any other brothers or sisters.  
Q Did she ever have any half brothers or half sisters? A No.  
Q Has your wife any brothers living? A Three living.  
Q What are their names? A Jim Hickman, Ellis Hickman and Madison Cousin.  
Q Are any of your wife's father's brothers or sisters living? A No, all dead.  
Q Are any of the children of any of them living? A Only one.  
Q What's that child's name? A She married Griffin Amos--her name is Lillie--she lives near North Bend.  
Q Was Lillie the daughter of one of your wife's father's brothers or sisters? A My wife's sister's daughter.  
Q What was Lillie's mother's name? A Nancy.  
Q What was her father's name? A Fil-le-mo-ah.  
Q Is Lillie a full blood Choctaw? A Yes.  
Q Did her parents live here in Mississippi all their lives? A Yes  
Q She has always lived here? A yes.  
Q Has your wife's mother any brothers or sisters living? A No.  
Q Are any of the children or any of her brothers or sisters living? A No.  
Q Are any of their grandchildren living? A No.

This applicant has the appearance of being a full blood Choctaw--speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially 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 Seale, Mississippi, March 31st, 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 7th day of April, 1902, at Toles, Mississippi.

5

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

By *[Signature]*

Deputy.

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

-----oOo-----

*CW*  
In the matter of the application of Archie Tom, (Li-shubbee) et al., for identification as Mississippi Choctaws, M C R 5116.

-----: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 March 31, 1902, by Archie Tom, (Indian name, Li-shubbee), for himself, and his minor child, Adaline Tom, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

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

From the evidence submitted in support of said application it appears that the applicants are full-blood Mississippi Choctaw Indians.

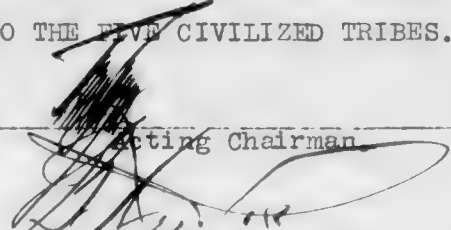
Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"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 Archie Tom, (Li-shubbee), and Adaline Tom 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 1898

COPY.

M.C.R. 6116.

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 Archie Tom (Li-shubbee), and minor child Adaline Tom (Li-shubbee), 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 Archie Tom (Li-shubbee) 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. W.C.B. 30.

*Tams Dixby.*  
Acting Chairman.

COPY.

Muskogee, Indian Territory, March 11, 1903.

Archie Tom,

Coffadelliah, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your minor child, Adaline, 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,

*Jame Dixie.*

Chairman.

Registered

Enclosure 5116

#1948

No.

5116

For Identification as a Mississippi Choctaw.

Scale, Miss. Date

MAR 21 1902

Name Archie Tom

Age 45 Blood full

Post Office, Coffa deliah, Miss.

Father: - Momatubbe d  
Sandtown Tom -

Mother: Mary Tom d

Claims through

wife - Jane Tom - (full) d

Father - don't know - d

Mother I-in-e-te-mah d

I. of us one child.

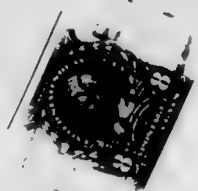
Children:

Adaline Tom (full) 8

Mother's father = Jacob Nock-ah-yoh d  
" mother = Julie

Stenographer

J. S. Niles.



Department of the Interior.

Commission to the Five Civilized Tribes,

**MUSKOGEE, IND. TER.**

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Archie Tom,

~~Woffadeliah, Mississippi.~~

4391



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

MAY 23 1903

*[Handwritten signature]*

RECORDED

Archaeom. (Li-shubbee)

R. 5116

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

Choctaw MCR 5117

Lisby Bob

-:) DEPARTMENT OF THE INTERIOR (:-  
-:) COMMISSION TO THE FIVE CIVILIZED TRIBES (:-  
-:)O(:-

In the matter of the application of  
Lisby Bob, et al., for identification  
as Mississippi Choctaws, M C R 5117.

---oOo---

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

-----oOo-----

In the matter of the application of Lisby Bob, et al.,  
for identification as Mississippi Choctaws, M C R 5117.

----oOo----  
----: I N D E X :----  
---oOo---

Original application of Lisby Bob, et al., for identification as Mississippi Choctaws,-----	1
Decision of the Commission identifying the above applicants,-----	6

-oOo-

5117

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Seale, Mississippi, March 31st, 1902.

In the matter of the application of Lisby Bob for the identification of herself and two minor children, Malissa and Annie, as Mississippi Choctaws.

Said Lisby Bob, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Lisby Bob.  
Q How old are you? A About forty-two.  
Q Are you a full blood Choctaw Indian? A Yes.  
Q What's your postoffice address? A Coffadelliah.  
Q Do you live in Neshoba County, Mississippi? A Yes.  
Q How long have you lived in Neshoba? A All my life.  
Q Is your father living? A Dead long time.  
Q What was his name? A John Thompson.  
Q Was he a full blood Choctaw? A Yes.  
Q Did he have a Choctaw name? A I don't know.  
Q Did he live here in Mississippi all his life? A Yes.  
Q Do you know the name of his father? A No.  
Q Or his mother? A I don't know.  
Q Is your mother living? A Dead.  
Q What was her name? A Sealy.  
Q Was Sealy a full blood Choctaw? A yes.  
Q Live here in Mississippi all her life? A yes.  
Q Did she have a Choctaw name? A I don't know.  
Q How old would your mother and father be if they were living now?  
A I don't know--I was little girl when they died.  
Q Do you know the name of your mother's father or her mother? A  
No.  
Q How many times have you been married? A Just once.  
Q What was your ~~xxx~~ husband's name? A Bob.  
Q How long has he been dead? A Eighteen years.  
Q Was he a full blood? A Yes.  
Q About how old was he when he died? A About thirty-five.  
Q Didn't he have any other name besides Bob? A That's all I  
know.  
Q Is his father living? A No.  
Q What was his name? A Sucarneoches Charlie.  
Q Did Sucarneoches Charlie have an Indian name? A No, that's all.  
Q Is Bob's mother living? A Dead.  
Q What was her name? A I don't know.  
Q Were both of Bob's parents full blood Choctaws? A Yes.  
Q Do you know the name of any one of his grandparents? A I don't  
know any of them.  
Q So far as you know, have all of your ancestors and all of your  
husband's ancestors been full blood Choctaws? A Yes.  
Q And have they always lived in Mississippi? A Yes.  
Q How amny children have you living? A Two living.  
Q What are their names and ages? A Malissa, about twenty.  
Q Next one? A Annie, about sixteen.

Lisby Bob et al--2

- Q Are these children living with you now? A Yes.  
Q Are either of them married? A No.  
Q What's the name of their father? A Bob.  
Q That's your husband,? A Yes.  
Q Have you any other children living with you? A No.  
Q Any old folks living with you? A No.  
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, I think not.  
Q Has any application of any description ever been made before today for you or these children for the purpose of establishing your rights as Choctaw Indians? A No.  
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, 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 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 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 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 a family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

2

- Q Do you now understand that 14th article? A Yes.

Lisby Bob et al--3

Q Did any of your ancestors or any of your husband's ancestors ever do as that 14th article required that a Choctaw should do who preferred to stay here in Mississippi and take land from the Government instead of moving out west to the new nation with the main part of the Tribe? 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 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 never heard if they did.

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 you ever hear that any of them did? A No.

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 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 or any of your husband's ancestors 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 never heard that they did.



Lisby Bob et al--4

An act of Congress approved August 23, 1842, provided that in case 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 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 or any of your husband's ancestors ever get any of this scrip from the Government under this act of Congress? A If any of them ever get any scrip I don't know it.
- Q Did you ever hear of any of your ancestors or any of your husbands ancestors ever having gotten any land or money from the Government? A No, nobody ever told me that they ever got anything.
- Q Do you know of any old person 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 under that article? A I don't know of any one.
- 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 don't know of any.
- Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of your husband's ancestors by the Government covering land here in Mississippi? A Never see or heard.

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 Spring, including the one at Meridian between April 14th and 30th next, or within a reasonable time at the general office of the Commission at Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you would like to make at this time? A No.
- Q Have you any other children besides these two whose names you have given us? A No.
- Q No children dead? A Two dead.
- Q Did they die in infancy? A Yes.
- Q Have you any brothers living? A No.
- Q Have you any brothers dead who left children? A No, never did have any brothers.
- Q Did you ever have any sisters? A I had just one sister and she died.
- Q Did she leave any children? A No, she died when she was a girl.
- Q Are any of your wife's brothers or sisters living? A All dead.
- Q How many brothers did your father have? A Two that I know of.
- Q What were their names? A Billy Thompson and Johnson Thompson.
- Q Is that all the brothers he had, those two? A Yes.

Lisby Bob et al--5

- Q Did either one of these brothers leave children? A One of them left children, Allison Thompson who lives near Coffadeliash is the son of my father's brother Billy Thompson.
- Q Did Billy leave any other children? A One sister.
- Q What's her name? A Amy.
- Q Is she married? A yes.
- Q What's her husband's name? A Allen Elis.
- Q Who is Amy? A She is Allison's sister.
- Q Did your father's other brother leave any children? A No.
- Q Did your father ever have any sisters? A Yes.
- Q How many? A There was one but she's dead.
- Q Did she leave any children? A No.
- Q Did your mother ever have any brothers? A No.
- Q Did your mother ever have any sisters? A One who is living now Mary Frazier, she's been before the Commission today.
- Q Did she ever have any other sisters? A That's all.
- Q Are any of your husband's brothers living? A No, all de ad.
- Q Has he any half brothers living? A Jeff Davis.
- Q Is that all the half brothers he has living? A Yes.
- Q Has he any sisters or half sisters living? A No.
- Q Are any of your husband's father's brothers or sisters or any of their children or grandchildren living? A No.
- Q Are any of your husband's mother's brothers or sisters or any of their children or grandchildren living? A No.

The applicant has the appearance of being a full blood Indian--speaks and understands the Choctaw ~~language~~ language and 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 Seale, Mississippi, March 31st, 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 7th day of April, 1902, at Toles, 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.

ccw

-----oOo-----

In the matter of the application of Lisby Bob, et al., for identification as Mississippi Choctaws, M:C:R: 5117.

----: 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 March 31, 1902, by Lisby Bob, for herself, and her two minor children, Malissa and Annie Bob, 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.

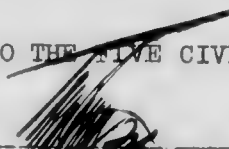
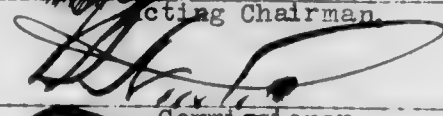
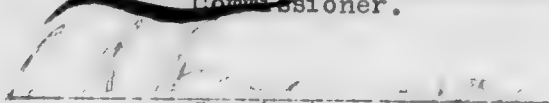
Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"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 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 Bob, Malissa Bob and Annie Bob 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. 5117

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 Lisby Bob, and minor children, Malissa Bob and Annie Bob 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 Lisby Bob 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,  
REIGNED

Registered.  
Enc. M.C.R. 5117

James D. [unclear]  
Chairman

COPY.

M.C.R. 327

Muskogee, Indian Territory, March 11, 1903.

Lisby Bob,

Coffadellah, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your minor children, Malissa Bob and Annie Bob 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 Thisomingo, Chickasaw Nation.

Respectfully,

*Jame Bixby.*  
Chairman.

Registered.

Enc. 5422

#1949

No. 5117

For Identification as a Mississippi Choctaw.

Scale <sup>Miss.</sup> Date

MAR 31 1902

Name Lisby

(Bob,

Age 42

Blood full.

Post Office, Woffadeliak, Miss.

Father: John Thompson d

Mother: Draly " d

Claims through husband

Bob (see) d

Father Aucunoochee Charlie d

Mother - dont know - d

Has 2 children

Children:

Malissa Bob 20

Annie " 16

Stenographer

J. A. Niles

IDENTIFICATION AS  
MISSISSIPPI CHOCTAW.

*Lisby Rob. et al*

*R. 5:17*

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903



Choctaw MCR 5118

Allen Elis

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

-cOo-

In the matter of the application of Allen Elis, et al.,  
for identification as Mississippi Choctaws.

-cOo-

Herein is the record in the matter of the application of  
Allen Elis, et al., for identification as Mississippi  
Choctaws, M.C.R. 5118.

-cOo-

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

-oOo-

In the matter of the application of Allen Elis, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5118.

--: I N D E X :--

	(Page)
Original application of Allen Elis, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission identifying Allen Elis, et al., as Mississippi Choctaws-----	4

-oOo-

M. C. 5118

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Seale, Mississippi, March 31st, 1902.

In the matter of the application of Allen Elis for the identification of himself, his wife, Amy, and five minor children, Ann, Jane, Steve, Richmond and Josie, as Mississippi Choctaws, represented by Archie Tom.

Said Archie Tom, being first duly sworn, testified as follows:

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Archie Tom.
- Q Have you a Choctaw name? A Yes.
- Q What's that Choctaw name? A Li-shubbee.
- Q How old are you? A About forty-five, somewhere along there.
- Q What's your postoffice address? A Coffadeliah.
- Q How much Choctaw blood have you? A Full blood.
- Q Are you acquainted with a Choctaw by the name of Allen Elis? A Yes.
- Q How far does he live from you? A About three hundred ~~yards~~ yards from him.
- Q Is he any relation to you? A No.
- Q Is he a full blood Choctaw? A yes.
- Q About how old a man is he? A He's older than me.
- Q Do you think he's about fifty? A Yes, about fifty.
- Q His postoffice is the same as yours, Coffadeliah, is it? A yes.
- Q he lives in Neshoba? A yes.
- Q Has he lived in Neshoba all his life? A yes.
- Q Is his father living? A Dead.
- Q What was his name? A Elis.
- Q Did he have any other name? A No.
- Q Do you know the name of his father or his mother? A No.
- Q Was he a full blood Choctaw? A yes.
- Q Live here in Mississippi all his life? A yes.
- Q Is Allen's mother living? A No, dead.
- Q What was her name? A Lah-pis-te-mah.
- Q Did she live here in Mississippi all her life? A yes.
- Q Was she a full blood Choctaw? A yes.
- Q How old would she and Elis be if they were living now? A I don't know--about seventy I think.
- Q Do you know the name of her father or her mother? A No-I don't know that.
- Q All of Allen's ancestors, so far as you know, have always lived here in Mississippi? A yes.
- Q And all have been full bloods? A yes.
- Q Is Allen married? A Yes.
- Q Is his wife living? A Yes.
- Q Was he been married more than once? A No.
- Q Was his wife been married more than once? A No, just once.
- Q What's his wife's name? A Amy.
- Q Is she a full blood Choctaw? A Yes.
- Q Did she always live in Mississippi? A yes.
- Q Are she and Allen living together now? A Yes.
- Q How long have they been living together? A I don't know how long--been good while--about thirty years I reckon.

Allen Elis et al--2

- Q Were they married under a license or according to the Choctaw custom? A Choctaw custom.
- Q About how old is Amy? A About the same age as Allen--about fifty.
- Q Is Amy's father living? A No--dead.
- Q What was his name? A Bill Thompson.
- Q Was Bill a full blood Choctaw? A yes.
- Q Did he live here in Mississippi all his life? A Yes.
- Q Did he have a Choctaw name? A No.
- Q About how old would Bill be if he were living now? A I don't know--about seventy I think.
- Q Do you know the name of his father or of his mother? A No, I don't know that.
- Q Is Amy's mother living? A Dead.
- Q What was her name? A I don't know.
- Q Did you ever see her? A No--been dead long time.
- Q Was she a full blood Choctaw? A yes.
- Q You are sure Amy is a full blood? A Yes.
- Q Do you know the name of any one of Amy's grandparents? A No.
- Q So far as you know, have all of Amy's ancestors been full blood Choctaws? A Yes, full bloods.
- Q And have always lived here in Mississippi? A yes.
- Q How many children have Allen and Amy living? A There are six--one of them is of age and has been married--the other five are under age.
- Q What are the names and ages of the five children who are living at home? A Ann.
- Q How old? A About sixteen.
- Q Next one? A Jane.
- Q How old? A About fifteen.
- Q Next one? A Steve.
- Q How old? A About eight.
- Q What's the name of the next? A Richmond.
- Q How old? A About four.
- Q Next one? A Josie.
- Q How old? A About three.
- Q Josie is a girl? A Yes.
- Q Is that all of Allen's minor children? A yes.
- Q They are all living with him now? A yes.
- Q Are they all the children of himself and Amy? A Yes.
- Q None of these five are married? A No.
- Q You have heretofore appeared in your own behalf? A Yes.
- Q Do you know whether any of the ancestors of Allen or of his wife Amy 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 having gotten any land or money from the Government? A I don't know--never heard.
- Q Did you ever hear of any of them ever having lived in Indian Territory? A No--never heard.
- Q Did you ever hear of any of them ever having gotten any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A No, never did.
- Q Do you know of any old persons living who would likely know whether any of Allen's ancestors or any of his 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

Allen Elis et al--3

under that article? A I don't know of anyone that would know about that.

Allen Elis, for whom this application is made, lives within a mile and a half of the camp of the Commission and has known for three weeks of our presence at this place. He refuses to appear before the Commission and make application for himself and family, although a subpoena has been served upon him directing him so to do.

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 Seale, Mississippi, March 31st, 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 7th day of April, 1902, at Toles, Mississippi.

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

By *J. M. W.*

Deputy.

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

-oOo-

In the matter of the application of Allen Elis, et al., for identification as Mississippi Choctaws, M.C.R. 5118.

---: 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 Archie Tom for Allen Elis, his wife, Amy Elis, and his five minor children, Ann, Jane, Steve, Richmond and Josie Elis, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw

(2)

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

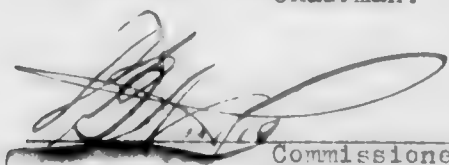
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full-blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Allen Elis, Amy Elis, Ann Elis, Jane Elis, Steve Elis, Richmond Elis and Josie Elis should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

MAY 20 1904

Commissioner.



MERIDIAN, MISSISSIPPI, October 5, 1903.

Allen Elis,

Coffadeliah, Mississippi:

Dear Sir:-

It appears from the records of the Commission that on March 31, 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 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,

No. 92--M C R 5118

Special Agent.

Meridian, Mississippi, November 28, 1903.

Allen Ellis,

Coffadelliah, Mississippi.

Dear Sir-

Under date of October 5, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 31, 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 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,

COPY. M.C.K. 5118

Muskegee, Indian Territory, May 20, 1904.

Allen Ellis,

Coffadelliah, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 20, 1904, identifying you, your wife Amy Ellis, and minor children Ann, Jane, Steve, Richmond and Josie Ellis, 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 20, 1904, and must make proof of such removal and settlement on or before May 20, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Fishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

Incl. MCR 5118.

M.C.R. 5118  
COPY.

Muskogee, Indian Territory, May 20, 1904.

Hansfield, McKurray & 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 20, 1904, identifying Allen Elis, his wife Amy Elis, and minor children Ann, Jane, Steve, Richmond and Josie Elis, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat, 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to ~~make~~ against the action of the Commission in identifying said 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)

*T. B. Needles.*

Commissioner in Charge.

Registered.

Incl. MCR 5118.

W.C.B.

COMMISSIONERS  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5118

WM O BEALL,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 20, 1904.

Archie Tom,

Coffadelliah, Mississippi,

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on May 20, 1904, rendered its decision identifying Allen Elis, his wife Amy Elis, and minor children Ann, Jane, Steve, Richmond and Josie Elis, 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 for the persons so identified to avail themselves of the benefits of such identification, they must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 20, 1904, and must make proof of such removal and settlement on or before May 20, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,



Commissioner in Charge.

#1954

No. 5118

For Identification as a Mississippi Choctaw.

Seale Miss.

Date

72

Name Allen Elis

by Archie Tom

Age 50

Blood full

Post Office, Coffadeliak, Miss.

Father: Elis

Mother Lah-pis-te-moh

Claims through

wife - W Amy Elis (full)

Father Bill Thompson

Mother - dont know

Forsee wife and 5 children

Children:

Ann Elis 16

Jane " 15

Steve " 8

Richmond " 4

Josie " 3

Stenographer

J. J. Niles

Department of the Interior.

Commission to the Five Civilized Tribes

MUSKOCHEE, IND. TER.

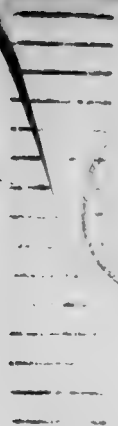
*Unclaimed*  
5118

Articles that remain in the  
of the  
county  
Co.

Archie Tom,

Coffadeliash, Mississippi.





SEP 4 1944  
P



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

SEP - 6 1944

*[Handwritten signature]*

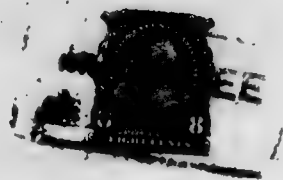
CLERK



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



*Unclaimed*

*12486*

*Returned to writer*

Allen Elis,

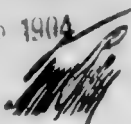
Coffaelah, Mississippi.

SEP 10 1904

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

SEP 26 1904

A handwritten signature in dark ink, appearing to be 'W. H. ...', is written over the date stamp.

CHAIRMAN

Choctaw MCR 5119

. Enoch Elis .

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

-c0o-

In the matter of the application for the identification of  
Enoch Elis as a Mississippi Choctaw.

-c0o-

Herein is the record in the matter of the application for  
the identification of Enoch Elis as a Mississippi Choctaw.

M.C.R. 5119.

-c0o-

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

-oOo-

In the matter of the application for the identification of  
Enoch Elis as a Mississippi Choctaw, M.C.R. 5119.

--: I N D E X :--

	(Page)
Original application of Enoch Elis to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Decision of the Commission identifying Enoch Elis as a Mississippi Choctaw-----	3

-oOo-

Full

M.C. 5119

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Seale, Mississippi, March 31st, 1902.

In the matter of the application of Enoch Elis for identification as a Mississippi Choctaw, represented by Archie Tom.

Said Archie Tom, being first duly sworn, testified as follows  
(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Archie Tom.  
Q Have you a Choctaw name? A Yes.  
Q What's that Choctaw name? A Li-shubbee.  
Q How old are you? A About forty-five, somewheres along there.  
Q What's your postoffice address? A ~~Seale~~ Coffadeliah.  
Q How much Choctaw blood have you? A Full blood.  
Q Are you acquainted with a man by the name of Enoch Elis? A Yes.  
Q What's his postoffice address? A Coffadeliah.  
Q In what County does he live? A Neshoba.  
Q Has he lived in Neshoba all his life? A Yes.  
Q About how ols is he? A About twenty.  
Q Is he a full blood Choctaw? A Yes.  
Q Is his father living? A Dead.  
Q What was his name? A Elis.  
Q Is that all the name he ever had? A yes.  
Q Did he have a Choctaw name? A No.  
Q About how old would he be if he were living now? A About sixty, somewheres about there.  
Q Did he live here in Neshoba all his life? A yes.  
Q Do you know the name of his father or his mother? A No.  
Q Is Enoch's mother living? A Dead.  
Q What was her name? A Ah-fah-ma-ho-nah.  
Q Was Ah-fah-ma-ho-nah a full blood Choctaw? A yes.  
Q Did she live here in Mississippi all her life? A yes.  
Q Do you know the name of her father or mother? A No.  
Q Is Enoch married? A Yes, he was married but parted.  
Q How long has he been separated from his wife? A About two or three months.  
Q When were they married? A Over a year.  
Q Did they have any children? A No.  
Q He has no one living with him, then, at all now? A No.  
Q You have already given in your testimony before the Commission, haven't you, in your own behalf? A Yes.  
Q Do you know whether any of the ancestors of this boy Enoch 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.  
Q You never heard of any of them ever having gotten any land or money from the Government, did you? A No.  
Q All of his people have always lived here in Mississippi, have they? A yes.  
Q And all have been full blood Choctaws? A yes.  
Q Do you know of any old person living who would likely know whether any of his people 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, I don't know of any one.

Knoch Elis--2

Q Has Enoch any brothers living? A No full brothers--just one half brother.

Q Has Enoch any full sisters living? A No.

Q Did he ever have any full brothers or sisters? A Yes, one sister died a long time ago when she was a little girl.

Q Did he ever have any half sisters? A No.

Q What's the name of his half brother who is living now? A Allen Elis.

Q Are any of Enoch's father's brothers or sisters or any of their children living? A No.

Q Are any of Enoch's mother's brothers or sisters or any of their children living? A No.

-----

Knoch Elis, for whom this application is made, lives within one mile from the camp of the Commission and has had knowledge for three weeks of the presence of the Commission at this place. He refuses to appear and make application although a subpoena directing him so to do has been served upon him.

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 Seale, Mississippi, March 31st, 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 7th day of April, 1902, at Toles, Mississippi.

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

By *[Signature]*

Deputy.

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

-000-

In the matter of the application for the identification of  
Enoch Elis as a Mississippi Choctaw, M.C.R. 5119.

---: 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 March 31, 1902, by Archie Tom for Enoch Elis, 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 said 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



(2)

tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stat., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

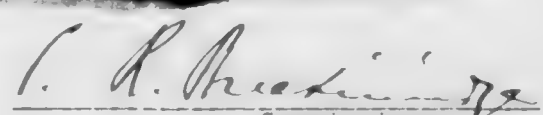
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Enoch Elis 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,

MAY 20 1904

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

ALLISON L. AYLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 16, 1903.

Wm. O. Beall,

Clerk in Charge,

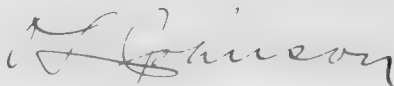
Choctaw-Chickasaw Enrollment Division,

Sir:

There has been transmitted to the Mississippi Choctaw Legal Department, for the preparation of a decision, the application of Enoch Elis, M.C.R. 5119, which was made by Archie Tom in behalf of said applicant.

As the Commission has not determined what course it desires to pursue in this class of cases, wherein the testimony was procured upon information, it will be needless at this time, to prepare a decision in this case, and the record is therefore returned to the files for such action as may be necessary.

Respectfully,



Law Clerk.

MERIDIAN, MISSISSIPPI, October 3, 1903.

Knoch Elis,

Coffadelliah, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on March 31, 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.

Very respectfully,

No. 88 MCR 5119.

Special Agent.

Meridian, Mississippi, November 28, 1903.

Knoch Elis,

Coffadelliah, Mississippi.

Dear Sir-

Under date of October 3, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 31, 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 in your case 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 88.

Special Agent.

M.C.R. 5119

COPY.

Muskogee, Indian Territory, May 20, 1904.

Enoch Elis,

Goffadeliah, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 20, 1904, identifying you as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 541).

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 20, 1904, and must make proof of such removal and settlement on or before May 20, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

Incl. MCR 5119.

M.O.R. 5119

COPY.

Muskogee, Indian Territory, May 20, 1904.

Mansfield, McMurray & Gornish,  
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 20, 1904, identifying Enoch Elis as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Enoch Elis 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, his name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

Incl. MOR 5119.

W.C.A.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

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

REFER IN REPLY TO THE FOLLOWING  
**M.C.R. 5119**

WM O BEALL,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 20, 1904.

Archie Tom,  
Coffadelliah, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 20, 1904, rendered its decision identifying Enoch Elis as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order for the person so identified to avail himself of the benefits of such identification, he must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 20, 1904, and must make proof of such removal and settlement on or before May 20, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Commissioner in Charge.

#1951

No. 5119

For Identification as a Mississippi Choctaw.

Seale, Miss. Date

MAR 31 1902

Name *Enoch Elis*

By *Amice Jones*

Age *20* Blood *free*

Post Office, *Coffawliak, Miss.*

Father: *Elis d*

Mother: *Ah-fah-mah-ho-nah d*

Claims through

*Not self only.*

Children:

Stenographer

*J. S. Niles*



Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, INDIAN TERRITORY

General Office - M.C.R.

*Amelander* 5119

Advising that before persons avail themselves of the benefits of identification will be necessary to make settlements in the Cherokee country on or before Nov. 20, 1904.

Archie Tom,

Coffadeltah, Mississippi.

*Returned to writer*



STRA  
+ R  
a |  
C  
C  
K



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**

SEP - 6 1904

CHAIRMAN

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCÉE, IND. TER.



*Handwritten:*  
1245

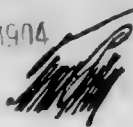
*Handwritten:* Return to ...

Mr. J. Ellis,

Corvallis, Oregon.

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

SEP 26 1904

A large, dark, handwritten signature or scribble, possibly in ink, located to the right of the date stamp.

--- CHAIRMAN

Choctaw MCR 5120

..Eva Hardy .

See MCR 3386

MCR 5120

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 8, 1902.

5120

In the matter of the application for identification as Mississippi Choctaws of Eva Hardy for herself and her two minor children Bessie and Emma Hardy.

B. S. Johnson attorney for applicants; no appearance on the part of attorney.

Eva Hardy being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Eva Hardy.  
Q What is your age? A About twenty-five years.  
Q What is your post office address? A Running Water.  
Q Texas? A Yes, sir.  
Q How long have you lived at Running Water? A Ever since October.  
Q ninety-one? A No, sir.  
Q 1901 I mean? A Yes, sir.  
Q Where were you born? A Texas.  
Q Have you always lived in Texas? A Yes, sir.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A Robert Quincy Davidson.  
Q What is your mother's name? A Mary Davidson.  
Q Through which parent do you claim Choctaw blood? A Mother.  
Q How much do you claim? A Three-sixteenths.  
Q Has your mother ever been enrolled as a Choctaw Indian or recognized as one by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.  
Q Is your husband living? A Yes, sir.  
Q What is his name? A C. A. Hardy.  
Q Is he a white man or Indian? A He is a white man.  
Q You make any claim for him? A No, sir.  
Q What is the name of your oldest child? A Bessie Hardy.  
Q How old is she? A Eight.  
Q What is the name of the next child? A Emma.  
Q How old is Emma? A Six.  
Q Is that all? A Yes, sir.  
Q You claim for yourself and these two children? A Yes, sir.  
Q Is C. A. Hardy the father of these children? A Yes, sir.  
Q Were either of you married before you married each other? A No, sir.  
Q Are you and your husband living together as husband and wife? A Yes, sir.  
Q The children are living with you at your home? A Yes, sir.  
Q Is your name or the names of any of your children on 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 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 Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand article fourteen of the treaty of 1830; if you don't understand it I can explain it to you? A No, sir; I did not.

The treaty of 1830 was made between the United States government and the Choctaw Indians who, at that time, lived in the old Choctaw Nation East of the Mississippi River partly in Mississippi and partly in Alabama, at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September 1830 and was made for the especial 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 in order to protect their interest article fourteen was put into the treaty. This article was drafted for the especial benefit and protection of Indians who were then called Mississippi Choctaws and whose descendants are now designated by that term. 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 or attempted to comply with any of the provisions of that article of that treaty? A No, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A The name?
- Q Yes; you claim through whom? A Phillip Gates.
- Q What relation was Phillip Gates to you? A My great grandfather.
- Q Did he speak the Choctaw language? A Yes, sir.
- Q How do you know that he did? A Just from my parents teaching me.
- Q How old would he be if living now? A I don't know.
- Q Do you know if he lived in Mississippi in 1830? A No, sir.
- Q Do you know which of your ancestors who had Choctaw blood lived in Mississippi in 1830 and was the head of a family there at that time? A No, sir.

#3

- Q Did you ever hear of anybody in your family by the name of Catherine Henley? A Yes, sir.
- Q What relation was she to you? A My grandmother.
- Q Was she a daughter of Phillip Gates? A Yes, sir.
- Q Was she born in Mississippi? A I don't know where she was born.
- Q Do you know whether she ever lived there in that state? A Yes, she lived there.
- Q Was she living there seventy-two years ago, in 1830? A No, sir; I don't think she was.
- Q Her father was Phillip Gates? A Yes, sir.
- Q Then if she was born in Mississippi her father Phillip Gates was living there, did he not? A I don't know that she was born there.
- Q I thought you said she was born there? A I said I did not know but she lived there.
- Q How old would she be if living now? A I don't know.
- 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 and signify to him their intention to remain in the old Choctaw Nation take land there and become citizens of the United States? A I don't know whether they did or not.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation Indian Territory between 1833 and 1838? A None that I know of.
- Q Did any of them own any land 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.
- Q Did they own or claim any land in Mississippi or Alabama under any other article or under the supplement of that treaty? 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 Indians other than the treaty of 1830? A None that I know of.

The Indians who remained in Mississippi after the treaty of 1830 was ratified were required if they wanted to take advantage 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 Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to properly register these claimants under article fourteen caused a good many Indians to lose both their land and the improvements they upon it; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that Congress in 1837 by act approved March 3, of that year, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 by act approved August 23, of that year another Commission was appointed for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors go before either of these two Commissions, that of 1837 or the Commission of 1842 and claim benefits as Choctaw Indians under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.



#4

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they formerly owned in the old Choctaw Nation and which the government had taken from them and sold? A None that I know of.
- Q Have you any documentary evidence that you want to introduce now in support of this claim? A Yes, sir.
- Q These are your sworn statements, is it not, in writing? A Yes, sir.

Sworn statement or affidavit of this applicant presented by her, received, filed and marked exhibit "A" and made a part of the record in this case.

- Q You want any further time in which to introduce other evidence? A No, only aunt Elizabeth.
- Q You claim through the same ancestor through whom Lucinda Stanford claims? A Yes, sir.
- Q Other relatives besides have appeared before this Commission to be identified as Mississippi Choctaws claiming through Phillip Gates? A Yes, sir.
- Q You want all these cases consolidated and put in together? A Yes, I guess it does not hurt.
- Q Well do you want to have your case considered together with the others? A Yes, sir.

Reference is here made to Lucinda Americus Stanford M.C.R. 3294.

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

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; brown hair; medium fair complexion. She does not speak or 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 April 8, 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 April 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 26th day of April 1902.

*Charlton Wood*

Notary Public.

COMMISSIONERS.

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

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5120

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY TO  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 15, 1902.

Eva Hardy,  
Running Water, Texas.

Dear Madam: -

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Gates, et al., embracing the following applications for identification as Mississippi Choctaws:

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emly Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John R. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.,	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.,	M C R 3606
Alice N. Sanders, et al.,	M C R 4439
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
Buena Vista Ivey, et al.,	M C R 3615
Add Benton Britton, et al.,	M C R 3820
William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emly Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Amie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailev, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallmage Britton, Rilly O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Volver Rogers, William Clifton Britton, Mertie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Rav Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

Registered.

(SIGNED) *T. B. Neekles.*  
Commissioner in Charge.

M.C.R. 5120

COPY

Muskogee, Indian Territory, December 22, 1902.

Eva Hardy,

Running Water, Texas.

Dear Madam:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

*Tamie Dink*  
Acting Chairman.

MOR-5120

Muskogee, Indian Territory, October 19, 1906.

Eva Hardy,  
Running Water, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

MOR 5120

Muskogee, Indian Territory, December 17, 1906.

Mrs. Eva Hardy,

Merkel, Texas.

Dear Madam :--

Receipt is hereby acknowledged of your letter of the 11th instant, stating that you have changed your postoffice address from Running Water to Merkel, Texas, and requesting to be advised how to prove your claim to identification as a Mississippi Choctaw.

In reply, you are informed that on December 12, 1902, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of October 15, 1902, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of William H. Gates, et al, of which your application for the identification of yourself and children is a part.

It further appears from the records of this office that on October 19, 1906, you were notified at Running Water, Texas, that on September 26, 1906, the Secretary of the Interior denied a motion filed May 25, 1906, by J. O. Pool, attorney, for review of the consolidated Mississippi Choctaw case of William H. Gates, et al. It does not appear that there are any proceedings now pending in this case and as far as this office is concerned, the same is considered closed.

Respectfully,

Commissioner.

No. \_\_\_\_\_  
For Identification as a Mississippi Child

Date APR 8<sup>th</sup> 1902

Name Eva Hardy

Age 25 Blood 3/16

Post Office, Running Water, Texas

Father: R. Q. Davidson d

Mother: Mary " d

Claims through mother  
Husband,

C. A. Hardy w. l.

No claim for husband

Children:

Bessie Hardy, 8

Emma " 6

Claims for self &  
children

Stenographer G. R. [Signature]



Choctaw MCR 5121

James Henry Powell

See MCR 5449, 6295

Sub

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

--0--

In the matter of the application of James Henry Powell, et al., for identification as Mississippi Choctaws, consolidating the applications of:-

James Henry Powell, M.C.R. 5121  
Winnie Foland, et al., M.C.R. 5449  
Jennie Cox, et al., M.C.R. 6295

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

	(Page)
Original application of Rose Teagarden before the Commission to the Five Civilized Tribes for the identification of James Henry Powell as a Mississippi Choctaw-----	1
Original application of Winnie Foland, et al., before the Dawes Commission for identification as Mississippi Choctaws-----	8
Testimony of Rose Teagarden before the Commission-----	17
Certified copy of marriage record of J. A. Powell and S. E. Cary-----	18
Original application of Jennie Cox, et al., before the Dawes Commission for identification as Mississippi Choctaws-----	20
Affidavit of Mary Hill-----	24
Affidavit of M. E. Hill-----	24a
Decision of the Commission refusing the application of Rose Teagarden, et al., for identification as Mississippi Choctaws-----	25

-----0-----

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 8, 1902.

5121

In the matter of the application of Rose Teagarden for the identification of her minor child, James Henry Powell, as a Mississippi Chocaw.

No attorney for applicant.

Rose Teagarden being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Rose Teagarden. (R-o-s-e- T-e-a-g-a-r-d-e-n  
Q What is your age? A Forty one 9th day of last January.  
Q What is your post office address? A Muskogee, Indian Territory.  
Q How long have you lived in Muskogee? A I have been here six weeks; and have lived the last eleven years part of the time in the Territory and part of the time in Missouri.  
Q You are a white woman? A Yes sir.  
Q And you come here today today to identify a minor child as a Mississippi Chocaw? A Yes by my first husband.  
Q What is the name of that child? A James Henry Powell.  
Q How old is he? A Sixteen years old the second day of last March.  
Q That is the only application you wish to make today? A Yes sir.  
Q That is the-- what is the name of the father of this child, your former husband? A James Ambrose Powell.  
Q Is he dead? A Yes, been dead ten years the 5th day of last August  
Q You are the mother of this child? A I am the mother of this boy.  
Q And what is your name? A Rose Teagarden.  
Q James Henry Powell claims Chocaw blood through his father, James Ambrose Powell? A Yes sir.  
Q How much Chocaw blood did James Ambrose Powell have? A He always claimed to be a fourth Chocaw.  
Q And you claim half of that for this child? A Well, I claim whatever is right.

Q Well, you would claim a half of a quarter; that would be an eighth

A Yes, I claim an eighth.

Q Was James Ambrose Powell ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory?

A I don't know that he was; he used to tell me he came up here and proved up his claim self twenty years ago, but I don't find his name on the roll; I have an uncle who came; he is on the roll.

Q There is no record in existence that you know of that shows his name-- A It is on the roll.

Q What roll? A The Choctaw roll.

Q You haven't found it here on the roll in the possession of the Commission? A No sir, but--

Q Have you found it here on the rolls in the possession of the Commission? A No sir; I haven't.

Q Do you know when and where you were married to your husband, James Ambrose Powell? A In Navarro - no Morrowtown, Arkansas.

Q You were married on the 17th day of December, 1876? A Yes sir.

Q By Abel C. Ray minister of the Gospel? A Yes sir.

Q And your husband is now dead, is he? A Yes, been dead ten years--

Q You have since married again? A Yes sir.

Q Your present husband is a white man? A Yes, my second husband is a white man; but he lived in the Territory all the time till his death.

Q And this child is living with you? A Yes sir.

Q Where is he living now? A In Muskogee.

Q How long has he been here? A Seven weeks; I have.

Q And you lived where before you moved here? A Part of the time in Vinita, Ft. Gibson and ten years ago in Muskogee.

Q How long did you live in the Territory continuously? A Ever since last August.

Q And your son has been with you? A He is in school in Gainesville Texas.

Q You are supporting him there? A Yes, I have him with some folks there.

Q Is this child's name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Was no one made application for him for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir not that I know of.

Q Was any one made application for him for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A Not that I have learned of.

Q Was he 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 Not that I know of.

Q Do you now come before the Commission for the purpose of identification of your son, James Henry Powell, 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 know whether I hardly understand it.

Q You don't know much about that treaty of 1830, do you? A No sir.

The treaty of 1830 was made between the United States and the

Choctaw Indians at a place called Dancing Rabbit Creek in the State of Mississippi on the 27th day of September 1830. The object of that treaty was the removal of all the Choctaw Indians who lived in the old Choctaw nation East of the Mississippi River to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect their rights and interests article fourteen was put into the treaty of 1830. The treaty was then signed and afterwards in 1831 ratified. A treaty is a contract between Nations instead of people---

A I would have had this boy up with me, but I am sickly, and I have left this boy with some people in Gainesville, Texas.

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

Q Now that is article fourteen of the treaty of 1830 which was passed for the special benefit of Mississippi Choctaw Indians and their descendants; do you know whether any of the ancestors of your son, James Henry Powell, complied or attempted to comply with any of the provisions of that article of that treaty? A No sir, not that I know of.

Q What is the name of the ancestor through whom you claim the right to identify your son as a Mississippi Choctaw? A His grandfather and his great grandmother.

(An outsider says it is Ambrose Powell; he was born in Mississippi in 1801.)

Q What relation was he to James Henry Powell? A He was his grandfather. (Prompted).

Q How much Choctaw blood did Ambrose Powell have? A Claimed to be one quarter Choctaw.

Q What relation was Ambrose Powell to this child's father? A He was grandfather of my husband.

Q And the great grandfather of this boy, James Henry Powell? A Yes sir.

Q If James Henry Powell was one eighth, his father was one fourth, and if he got his Choctaw blood through his father he would be one half of his father which would be one half and his father would be full blood; that is Ambrose Powell; now, do you understand that Am-

brose Powell was full blood? A Yes, that's what my understanding is from my husband's brother.

Q That's what you get from members of the family? A Yes; I can bring his mother up here and get her statement.

Q Was Ambrose Powell living in Mississippi in 1830 and 1833?

A Yes that's her statement.

Q Did he have a family there then- in other words, was he head of a family in Mississippi at that time? A Yes, that's what they claim.

Q Do you know how old Ambrose Powell would be if living now? A No sir, I don't.

Q Do you know when and where he died? A No, I don't exactly know, but I can get the statement from my mother. I believe it is in Van Buren County, Arkansas.

Q James Henry Powell claims through his father, James Ambrose Powell? A Yes sir.

Q Did he ever live in Mississippi, James Ambrose Powell, your husband? A It must have been when he was small; I don't know.

Q And he claimed through his father? A Yes sir.

Q Did his father live in Mississippi at any time? A Yes, we have their statement that they said they lived in Mississippi.

Q What was his name? A Ambrose Powell; no, I reckon Isom Powell was my husband's father and Ambrose Powell was his grandfather.

Q How old would Isom be if living now? A I don't know.

Q Did he live in Mississippi? A Yes, that's their statement and they claim he died there.

Q Did any of the Choctaw ancestors of your son own any improvements on land in Mississippi or Alabama in 1830? A Well, my husband never has, and my son never, but from the statement---

Q Did any of the Choctaw ancestors of your son own any improvements on land in Mississippi or Alabama in 1830-- 72 years ago? A I can't tell, but I can see them and get their statement.

Q Did any of the Choctaw ancestors of your son, James Henry Powell, within six months from the ratification of the treaty go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I am not sure of it; I wouldn't answer the question unless I knew it.

Q Did any of the Choctaw ancestors of your son go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, with the other Indians between 1803 to 1838?

A Well, his mother lived here in the Choctaw Nation-- well it has been about 35 years ago.

Q Your husband's mother? A Yes sir.

Q When did she come out, do you know? A About thirty five years ago when she stated about they lived in the Choctaw Nation.

Q Any other come, do you know? A Her and her husband, Isom Powell.

Q And they settled where? A Went to Arkansas and lived in Arkansas.

Q How long did they live in the Territory? A I can't remember; it's been long, I disremember.

Q Did any of the Choctaw ancestors of your son, James Henry Powell, own any land 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 that they owned land; they was born there and lived there.

Q Do you know whether they claimed any land under any other article or under the supplement to that treaty? A I don't know.

Q Did any of the Choctaw ancestors of your son claim or own any benefits under any treaty made between the United States and the Choctaw Indians other than the treaty of 1830? A Well, they was always claimed to be Choctaws, but they never told me that they proved up any right, only a cousin of Jim Powell's that lives in Vinita.

The Choctaw Indians who stayed back in the old Choctaw nation were required, if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. 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 States. A good many Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register and this caused many Indians who had land there and improvements to lose both; both were taken from them by the Government and sold at Public Land Sale; this caused so many complaints that in 1837 by an act approved March 3, that year, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830 in 1842 another Commission was appointed for the same purpose by Congress and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

Q Do you know whether any of the ancestors of your child went before either of these two Commissions and claimed any benefits as Choctaw Indians? A Well, I can't say.

Q Well, you don't know about that? A No, but I can get his mother's statement.

Q Did any of the Choctaw ancestors of James Henry Powell, your son, receive any scrip which entitled them to select land in Mississippi, Alabama, Louisiana, or Arkansas, to take the place of land which they had held in Mississippi and which the Government had taken from them? A Not that I know of.

Q This scrip was issued under an act approved August 23, 1842. Have you any documentary or other evidence you want to present now in support of this application for your son? A I don't know only just simply to get him a right.

Q But you have no papers-- A No sir; only to get him a right as an Indian when he comes of age.

Q Do you want any time in which to present any testimony in this case? A Yes, for my girl that's married.

Q Do you want any time-- A Yes, I want to get her up here and to testify for herself.

Q Do you want time in this case? A Yes, for I want to get all I can from his father's.

Reasonable time is allowed this applicant in which to furnish proper evidence further in this case.

Q Are there any relatives of your son who have been before the Commission to be identified as Mississippi Choctaws? A I think Will Powell's name is on the roll here, and he has proved his right.  
Q That's not a Mississippi Choctaw, is it? A I don't know, but it is on the roll, the Choctaw rolls.

Reference is made to Anthony P. Powell, M.C.R. 1625

Q What relation is Anthony P. Powell to you? A He would be an uncle of mine by marriage; he is my husband's father's brother.  
Q He made application to be identified for himself and family, didn't he before the Commission at Meridian, Mississippi, April 3, 1901, didn't he? A Whatever he stated in the letter that's what he did.  
Q That is what is stated in this record. Do you want the record made in this case considered in the case of your son? A Yes sir.  
Q And also the records of all other claimants who claim through the same ancestor? A Yes, I would like to have it for my other-in-law and others; my brother in law is named James.  
Q What relation is John B. Powell to your son? A First cousin.

The records in the possession of the Commission show that he and his wife and two minor children were admitted to citizenship in the Choctaw Nation by judgment of the United States Court of the Central District, Indian Territory, at South McAlester. Choctaw citizenship case, #2094 .

Q But you make no application do you by virtue of his application or admission as a citizen? A No sir.  
Q You make this application solely upon the right which your son has to be identified as a Mississippi Choctaw claiming through his ancestor, Ambrose Powell, do you not? A Yes sir.  
Q And base it upon that entirely? A Yes sir.  
Q Does your son speak or understand the Choctaw language? A No sir.  
Q Will, you give a description of him-- the color of his eyes, complexion,-- A He has black hair and black eyes.  
Q And has he thin features or how-- just describe him. A I haven't seen him for a year; they say he is a kind of low, heavy set; I heard from him just a few days ago.  
Q Your hair is brown; is his hair as dark as yours? A His hair is darker than mine; he has right black hair.  
Q Is there anything else that you think of to state? A I guess not today until I get further information.  
Q That's all.

---

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above proceedings on April 8, 1902, and that this is a full,



true and correct transcript of his stenographic notes in said cause  
on said date.

*Henry B. Jones*

Subscribed and sworn to before me this 3<sup>rd</sup> day of May, 1902.

*Wm. H. Hall*  
Notary Public.

5721

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, August 25, 1902.

Rose Teagarden being first duly sworn testified in reference to the application which she made April 8, 1902 for the identification of her minor child James Henry Powell as a Mississippi Choctaw, as follows:

The object of this testimony is to make a correction with reference to one Anthony P. Powell M.C.R.1625 which reference was made by her in the testimony given April 8, 1902.

Examination by the Commission:

- Q Your name is Rose Teagarden? A Yes sir.
- Q And you are how old Mrs Teagarden? A I will be forty two the 9th of next January.
- Q Your post office address is Muskogee? A Yes sir.
- Q You made application for the identification of your minor child James H. Powell did you not April 8, 1902? A Yes sir.
- Q At that time a reference was made to the case of Anthony P. Powell M.C.R.1625 and the question was asked you: "what relation is Anthony P.Powell to you", and you answer was "He would be an uncle of mine by marriage; he is my husband's father's brother." Now you didn't mean by that that the Anthony P.Powell who made that application in 1825 was your uncle did you? A I meant that he was my husband's uncle.
- Q Anthony P.Powell M.C.R.1625 was a colored man. A It was P.O.Powell.
- Q This Anthony P. Powell who made application for identification as a Mississippi Choctaw at Meridian Mississippi April 3 1901 and testified that his mother was a colored woman but he claimed his Choctaw blood on his father's side - that is not your relative is it? A I haven't any colored relations at all and my husband hasn't.
- Q There is a mistake? A Yes sir; there's a mistake some place or other.
- Q Now whom did you mean as your husband's father's brother - not Anthony P.Powell the one here referred to but whom did you mean? A John Powell; John Douglass was his given name and Mrs Mary Jane Powell is my husband's mother.
- Q Then you want to have this correction appear in your testimony that Anthony P. Powell M.C.R.1625 is no relation whatever to you or to your husband or any member of your family?
- A Not that I know of; for we have no colored relations.
- Q You will swear positively that you have no colored relations
- A No sir I have no colored relations any place.
- Q Who is Winnie Felen? A My daughter.
- Q Did you testify in her case - do you remember? A Yes sir. I was sworn it seems to me that mornin' to her and my son James Henry Powell; I think I was but I dont remember; I wont say that I remember; I dont know whether I was or not.

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 25th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to me this 30th day of Aug. 1902.

*Clara Mitchell Wood*  
Notary Public.

*W.H.P.  
Cox.*

*copy*

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

-----

In the matter of the application of James Henry Powell,  
et al., for identification as Mississippi Choctaws, consolidating  
the applications of -

James Henry Powell,	M.C.R. 5121
Winnie Foland, et al.,	" 5449
Jennie Cox, et al.,	" 6298

-----

---- 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 Rose Teagarden for her minor child, James Henry Powell; by  
Winnie Foland for herself and her minor child, Elvin Foland, and by  
Jennie Cox for herself and her two minor children, Winnie Amelia and  
Alvia Donelda Cox, 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, eighteen hundred and thirty, and 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-sev-

enth, eighteen hundred and thirty, by reason of being descendants of Ambrose Powell, 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 Ambrose Powell, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Henry Powell, Winnie Foland, Elvin Foland, Jennie Cox, Winnie Amelia Cox and Alvia Donelda Cox, as Choctaw Indians entitled to rights in

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Tams Bixby*

Acting Chairman.

*T. B. Woodlee*

Commissioner.

*C. R. Breckinridge*

Commissioner.

Muskogee, Indian Territory,

DEC. 30 1902

M.C.R. 6121.

Muskogee, Indian Territory, August 20, 1902.

S.P. Cox,

Salisaw, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th inst., enclosing statement of Mary Jane Farnell relative to your wife's Choctaw blood. You state that Mrs. Farnell is your wife's grandmother, and that your wife's mother, Mrs. Teagarden, has been before the Commission. In conclusion you ask what steps to take to procure your wife's right as a Choctaw Indian.

In reply, you are informed that it appears from the records of the Commission that Rose Teagarden appeared before the Commission on April 8, 1902, and made application for the identification of her minor son, James Henry Powell, as a Mississippi Choctaw. No decision has yet been reached nor opinion rendered in this case. As soon as a decision is rendered, the applicant will be duly notified of such decision, and of the forwarding of the record to the Secretary of the Interior for review.

Relative to proving the right of your wife as a Choctaw Indian, it is presumed that you desire information as to the

necessary procedure in presenting to this Commission an application for identification as a Mississippi Choctaw.

The authority vested in this Commission to determine the identity of so called Mississippi Choctaws is contained in the 31st section of the act of Congress approved June 26, 1898 (30 Stats., 495) 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 the applicants reasonably demonstrate that they are the descendants of Choctaw

8703

ancestors who resided within the territorial limits of 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 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, 1848.

The Assistant Attorney General for the Interior Department, in an opinion of December 3, 1901, defining the power of this Commission to identify so called Mississippi Choctaws under the provision of the act of Congress approved June 28, 1898, used the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty".

It would, therefore, in order for your wife to obtain rights as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, be necessary to show that the least remote of her ancestors, who was living at the date of the conclusion of the treaty of 1830, was a beneficiary under the provisions of article fourteen thereof.

The rules and regulations of the Department of the Interior



2 7 9 4

and the Commission to the Five Civilized Tribes require that applicants for identification as Mississippi Choctaw who are over the age of twenty-one, or who are married, make personal appearance for examination under oath when a proper record is made of their case; and until such personal appearance is made, the Commission can not receive for consideration any evidence offered in support of their claims. The statement of Mary Jane Parnell is herewith returned to you.

If your wife desires to present an application for identification as a Mississippi Choctaw, she will be heard upon her personal appearance at the office of the Commission at Muskogee, Indian Territory. In event of some early date being fixed or agreed upon terminating the time in which the Commission can receive and consider applications of this character, it is suggested that if she intends making application she should do so as early as practicable.

Yours truly,

Enc. N.I. 178.

Acting Chairman.

Miss. Choctaw 5121

Muskogee, Indian Territory, October 29, 1902.

Rose Teagarden,

Muskogee, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of October 29, inclosing affidavit of Mary Hill which you offer for filing in support of the applications of James Henry Powell and Jennie Lee Cox for identification as Mississippi Choctaws and the same has been made a part of the record in these cases.

Respectfully,

M.C.R. 5121

Muskogee, Indian Territory, November 29, 1902.

Rosa Teagarden,

Muskogee, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 25th instant, enclosing affidavit of M. E. Hill, offered for filing in support of the application made by you for the identification of your minor son, James Henry Powell, as a Mississippi Choctaw.

The same has been filed with the record in this case.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, December 30, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 30th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Henry Powell, et al., embracing the following applications for identification as Mississippi Choctaws:

James Henry Powell,	M.C.R. 5121
Winnie Poland, et al.,	" 5449
Jennie Cox, et al.,	" 6295

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 James Henry Powell, Winnie Poland, Elvin Poland, Jennie Cox, Winnie Amelia Cox, and ~~Alvin Donald Cox as Choctaw Indians~~ entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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,

*Tamie Dixby*  
Acting Chairman.

COPY.

Muskogee, Indian Territory, December 30, 1902.

James Henry Powell,  
Care of Rose Teagarden.  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 30th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Henry Powell, et al., embracing the following applications for identification as Mississippi Choctaws:

James Henry Powell,	M.C.R. 5121
Winnie Poland, et al.,	" 5449
Jennie Cox, et al.,	" 6295

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 James Henry Powell, Winnie Poland, Elvin Poland, Jennie Cox, Winnie Amelia Cox, and Alvia Donalda Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED).

*Tame Dixby.*  
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, January 15, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of James Henry Powell, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 30, 1902.

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

James Henry Powell,	M.C.R. 5121
Winnie Foland, et al.,	M.C.R. 5449
Jennie Cox, et al.,	M.C.R. 6295

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

Respectfully,

(SIGNED).

*T. B. Wadley.*

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

Enc. M.C.R. 5121

M C R 5121

Muskogee, Indian Territory, January 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of James Henry Powell, et al., the record therein, together with the decision of the Commission refusing the several applications included in this case, was, on January 15, 1903, transmitted to the Department.

On January 24, 1903, there was filed with the Commission by the attorneys for the several applicants in this case the affidavits of Jennie Lee Cox and S. H. Teagarden: the same are herewith transmitted.

Respectfully,

Acting Chairman.

Enc. Hh 6



W O R 6121

Muskogee, Indian Territory, January 27, 1903.

John Watkins,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st inst., enclosing the affidavits of Jennie Lee Cox and S. E. Teagarden, offered for filing in support of the applications included in the consolidated Mississippi Choctaw case of James Henry Powell, et al.

In reply you are informed that the fifteen days from December 30, 1902, heretofore granted the applicants in this case within which to file arguments in support of their claims to be forwarded to the Secretary of the Interior, expired on January 14, 1903, and on January 15, 1903, the record in this case, together with the decision of the Commission, was forwarded to the Secretary of the Interior.

You are further advised that the affidavit of Jennie Lee Cox and S. E. Teagarden have also on this date been transmitted to the Department.

Respectfully,

Acting Chairman.

M O R 5191  
M O R 5449  
M O R 6275

Muskogee, Indian Territory, February 9, 1903.

George W. Poland,  
Lock Box 90,  
Beaver City, Nebraska.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 30, 1903, asking if any other evidence has been filed in support of the application for identification as Mississippi Choctaws of Jennie Cox, Winnie Poland, and other children of James Powell.

In reply to your letter you are informed that on December 30, 1902, the Commission rendered its decision refusing the applications of James Henry Powell, Winnie Poland and her minor child, Elvin Poland, and Jennie Cox and her two minor children, Winnie A. Cox and Alvia B. Cox, as Mississippi Choctaws, and on the same date the applicants were duly notified of this action of the Commission, and advised that they would be allowed fifteen days from that date within which to present argument to be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs. On January 15, 1903, the fifteen days theretofore granted having expired, the record in this consolidated case was

George W Poland-----3

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

The Commission has not yet been advised of the action of the Department.

Respectfully,

Acting Chairman.

(COPY)

Land  
3975  
10234-1903.

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

February 26, 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 Rose Teagarden, for her minor child, James Henry Powell; Winnie Poland, for herself and her minor child, Elvin Poland; and Jennie Cox, for herself and her two children Winnie Amelia and Alvia Donelda Cox, wherein a decision adverse to the applicants was rendered by the Commission on December 30, 1902.

The office has examined the evidence in this case and it appears that the claim to identification is founded on the descent of the applicants from one Ambrose Powell, who it is alleged, was a citizen of the Choctaw Nation and resided in Alabama or Mississippi in 1830.

The Commission makes its decision rejecting these applicants for the reason that the name of Ambrose Powell does not appear in its

records as one of those who complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, made with the Choctaw Indians in 1830.

A search of the records of this office has been made for the name of Ambrose Powell, 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 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.

(COPY)

D C 8433-1903.

DEPARTMENT OF THE INTERIOR.

EAF.

ITD.2268-1903.

Washington.

L.R.S.

March 24, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 15, 1903, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of James Henry Powell; of Winnie Feland and her minor child Elvin Feland; and of Jennie Cox and her minor children, Winnie Amelia and Alvia Donelda Cox. You denied the applications December 30, 1902.

The applicants claim to be descendants of one Ambrose Powell, who is alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Ambrose Powell, or an ancestor less remote, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 26, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision; a copy of his

-2-

letter is inclosed.

The Department has carefully reviewed the whole record,  
and hereby affirms the decision rendered.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 5121

COPY.

Muskogee, Indian Territory, March 31, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Henry Powell, et al., of which decision you were advised by mail on the 30th day of December, 1902.

Respectfully,

*James Birby.*

Chairman.



M.C.R. 5121

COPY.

Muskogee, Indian Territory, March 31, 1903.

Rose Teagarden,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Henry Powell, et al., of which decision you were advised by registered mail on the 30th day of December, 1902.

Respectfully,

*James Bixby.*  
Chairman.

M C R 5121

Muskogee, Indian Territory, March 6, 1906.

Rosa Smith,  
Morilton, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 17, 1906, by reference from the Secretary of the Interior. Therein you ask if a rehearing can be had in the matter of the application of James Henry Powell for identification as a Mississippi Choctaw.

In reply, you are informed that the consolidated Mississippi Choctaw case of James Henry Powell, et al. has been closed since March 24, 1903, the Secretary of the Interior having on that date affirmed the adverse decision of the Commission to the Five Civilized Tribes rendered December 30, 1902.

If you desire to make application to have the above case reopened, it will be necessary that you submit a petition to the Secretary of the Interior for that purpose, through the Commissioner to the Five Civilized Tribes. This petition should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the

Rosa Smith 2

matters whereof it is expected that they will testify.

Motions are only granted for rehearings where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were residents of the old Choctaw Nation in the States of Mississippi and Alabama in 1830 and heads of families, and, as such, complied with the provisions of the 14th article of the Choctaw treaty of 1830.

A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it.

In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Respectfully,

Acting Commissioner.

Consolidated Case  
of

James Henry Powell

MC 5121

(1003)  
Ambrose Powell (fl.?)  
dead

Isom Powell



~~mar~~ (or J. A. or James Powell)  
James Ambrose Powell  
dead

mar

Rose Teagarden  
w.

(or Rosa  
(or S. E. Cary - maiden name))

mer  
5121  
James Henry Powell 16- $\frac{1}{8}$

mer  
5440  
Winnie Powell 19- $\frac{1}{8}$

mar

George Foland

mer  
5449  
Elvin Foland 11 m

mer  
56245  
Jennie Powell 23- $\frac{1}{8}$

mar

S. F. Cox, w.

mer  
56245  
Minnie A. Cox 4

Alvia D. Cox 2

Brother of Anthony P. Powell, mer 1625  
(judgment expiring)

No. 5121

For Identification as a Mississippi Choctaw.

Date

APR 8 1902

Name *Rose Teagarden*  
(white) mother of  $\frac{1}{4}$  minor chief,  
Age 41 - Blood white

Post Office, *Muskogee, I. T.*  
of chief

Father: *James Ambrose Powell*,  $\frac{1}{4}$

Mother: *Rose Teagarden* -  $\frac{1}{2}$   
Chief

Claims through father, James

*Ambrose Powell* -

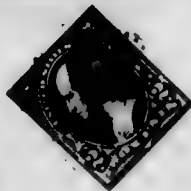
Children:

*James Henry Powell*,  $\frac{1}{8}$  16

Claims for her  
minor chief

Stenographer

*H. G. Hains*



Department of the Interior.

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

OFFICIAL BUSINESS.

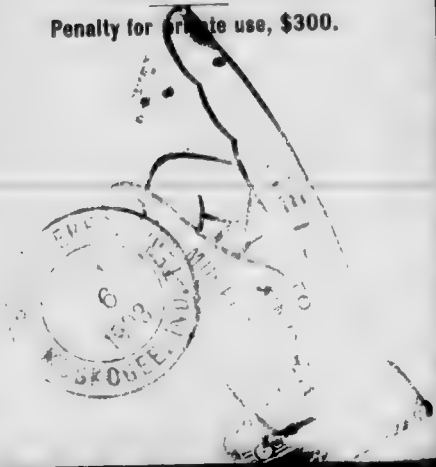
Penalty for private use, \$300.

110

James Henry Powell,

Muskogee, I. T.

C/o Rose Teagarden.



DEPARTMENT OF THE INTERIOR,  
BUREAU OF LAND MANAGEMENT

FILED  
APR 7 1903



CHAIRMAN



Choctaw MCR 5122

Mollie Bigger .

See MCR 4858

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T., April 8, 1902.

5122

In the matter of the application of Mollie Bigger for the identification of herself and her four minor children, Willie, Martha Eadie, Dora and Neel Bigger, as Mississippi Choctaws.

Applicant not represented by attorney.

Mollie Bigger being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mollie Bigger.
- Q What is your age? A When I was here last Summer I told you my age was forty five; I just made a guess.
- Q Well, are you forty six now? A Yes, I am all of forty six, if not forty eight.
- Q What is your post office address? A Minden Texas.
- Q You don't live at Wynnewood then? A No sir. I did stay in Wynnewood, but my husband moved away from there; I am coming back in a little while.
- Q When you come back, let the Commission know. A Well, make it Wynnewood now, and make it sent to Jeff Brooks he will see to it if I aint there.
- Q How long have you lived at Minden Texas? A About seven years.
- Q How is that your correspondence has been to Wynnewood? A My folks has been there; I don't stay at home much- I always-- I beg you to just correct me.
- Q You are now living at Minden, Texas? And have been there seven years, but you intend to go to Wynnewood and expect us to put it down that way? A Yes sir.
- Q Where were you born? A In Carthage, Texas.
- Q What other States have you lived in except Texas? A None.
- Q Is your father living? A No sir.
- Q Is your mother living? A Yes sir.
- Q What was your father's name? A Granville Gage.
- Q What is your mother's name? A Maria Brooks; hold on there, I misrepresented- you see her name is Mary but everybody calls her Maria.

Q What do you want to give now? A Mary I think would be correct.  
Q She married again? A Yes sir.  
Q She married--- A Brooks.  
Q What was his full name? A Rafe Brooks.  
Q white man? A No sir.  
Q What was his blood? A African.  
Q Colored? A Yes sir.  
Q Have you any colored blood? A No sir.  
Q You claim through which parent, father or mother? A I claim through both.  
Q When were your father and mother married, do you know? A I don't know.  
Q Where? A In Mississippi.  
Q Where in Mississippi? A I don't know sir.  
Q Have you proof of their marriage with you? A No sir.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q Is he a white man or Choctaw Indian? A Darkey; colored man.  
Q What is his name? A Mack Bigger.  
Q Is he a full blood negro? A Yes, I don't see any other road for him; he is about as black as they make them it looks like.  
Q No claim for him, then? A No sir.  
Q What is the name of your oldest child? A Laura Bigger by marriage  
Q I mean your oldest minor child) A Willie.  
Q How old is Willie? A He was 20 years old last August.  
Q What is the name of the next child? A Martha Eadie Bigger.  
Q How old is she? A She was eighteen last April; this coming April she will be nineteen-- about the fifteenth.  
Q What is the name of the next child? A Dora Bigger.  
Q How old is Dora? A She will be seventeen years sometime this month, I think about the 20th or 21st.  
Q She is sixteen now? A Yes sir.  
Q What is the next child's name? A Neel Bigger.  
Q How old is Neel? A About fourteen years of age, will be this coming June.  
Q Thirteen now? A Yes sir.  
Q Is Neel a boy or girl? A Boy.  
Q Is Mack Bigger the father of these children? A Yes sir.  
Q And you are the mother? A Yes sir.  
Q They have colored blood through their father? A Yes sir.  
Q And what blood through you? A Choctaw.  
Q And white? Have you any white blood? A I don't know whether there is or not; my father was a full blood Choctaw.  
Q Have you any colored blood? A No sir.  
Q Well, you are not full blood Choctaw yourself- so you must have either white or something else beside your Indian-- A Well, I think three quarters Choctaw and the rest white.  
Q How much Choctaw blood do you claim? A I claim three quarters Choctaw.  
Q Are you living with your husband? A Yes sir.  
Q And these children all living with you at your home? A Yes sir.  
Q Were either you or your husband married before you married each other? A No sir.  
Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know sir, whether it is or not.

(Note: The tribal rolls of the Choctaw Nation examined and the names of Mollie Bigger, Willie, Martha Radie, Dora and Neel Bigger are not found thereon.)

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Dawes Commission under the act of Congress of June 10, 1898? A No sir.

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

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission at any time previous to this application? A Yes sir.

Q When did you make application before? A About the 23rd of last August; I can't hardly remember the date.

Q What was done with that application at that time-- August 19,? Were you refused? A You sent it to us.

Q You were refused, were you not? A Yes, we got word that we was refused.

The records in the possession of the Commission show that a letter was sent to this applicant at Wynnewood, Indian Territory, dated January 28, 1902, which she says she received; this letter stated that on August 19, 1901, she made application for herself and her said minor children for citizenship by blood in the Choctaw Nation; further the letter stated that on December 18, 1901, this applicant was refused- that she was duly notified on that date: that on December 30, 1901, the memorandum made by the Commission in the matter of her application was sent to the Secretary of the Interior and on January 16, 1902, the Secretary of the Interior concurred in the decision of the Commission refusing said application.

Q would you like to have the record made by you in that application considered as a part of the record and apply in this case? A No sir.

Q You don't care to have it? A No sir.

Q Do you want to have this application separate and distinct? A Yes sir; that has been refused, and I won't tell nothing wrong now. But I do want to have the Dawes Commission- their honors- to make my name ring this time; I broke myself by getting here--

Q You claim for yourself and these minor children, do you? A Yes sir.

Q Do you come before the Commission now to identify yourself and these 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 Well, I don't know, only I just heard it; that's all I understand it; I don't know nothing about it.

The treaty of 1830 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 that year; the object of that treaty was to remove all the Choctaw Indians from that old Choctaw Nation in Mississippi and Alabama 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 protect their interests article fourteen was put into the treaty- for the especial protection and benefit of Mississippi Choctaws and their descendants. 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 if any of your ancestors complied or attempted to comply with any of the conditions or provisions of that article?
- Q Did any of your ancestors do these things that were stated there in that article? A I don't understand.
- Q Did any of your Choctaw ancestors live in Mississippi in 1830 and go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.
- Q What is the name of your kin or ancestor that you want to claim through? A Mary Brooks, and her father is all I know.
- Q Who is your mother Mary Brooks claimed through? A Her father.
- Q And he claimed through? A I don't know.
- Q You can't go any farther back? A No sir.
- Q What was his name? A Walter Brooks.
- Q Whom do you claim through on the side of your father, Granville Gage? A --
- Q Do you claim through his father or grandfather or great grandfather or his mother or grandmother or-- A I claim that my father and my mother and their folks.
- Q Well, your father claimed through which parent? A I don't know anything about his parents.
- Q Do you know their names? A No sir.
- Q Do you know if his father or mother, either of them had Choctaw blood? A No sir, I don't know anything about that.
- Q Well, you don't claim through your father then? A Yes, I do. I am satisfied one or t other of them was Choctaw but I don't know which one.

- Q Then all you do know is that you claim through Mary Brooks and that she claims through her father Walter? A Yes sir.
- Q How much Choctaw blood did Walter Brooks have? A Fullblood.
- Q That would make your mother a half? A I reckon it would.
- Q And would make you one fourth? A Yes sir.
- Q And you said you claimed three fourths; where do you get that other half from? A I get my father.
- Q But you don't know anything about that? A Well, I know my mother was sold and the man that sold her said that she had this man for a husband and he was full blood Choctaw.
- Q Mary Brooks was a slave? A Yes sir.
- Q Were you ever a slave? A Yes sir, but not long. I was fifteen years old about the surrender I think.
- Q Where was your mother a slave? A Up in Mississippi.
- Q Was she stolen in Mississippi? A Yes sir.
- Q How do you know? A By what she says and by the young master that bought us; my mother was sold the second time by M.B. May.
- Q Was Granville Gage a slave? A No sir.
- Q You are not sure how much Choctaw blood he had, if any? A All I know is the young boss the one that bought us said that this Granville Gage was mother's husband and he was a full blood Choctaw; but everybody can't tell a full blood Choctaw to see it, but I can hardly tell myself.
- Q Tell briefly, if you can, how you know that your father Granville Gage had any Choctaw blood? A Well, I only know by just what my mother says.
- Q You don't know much or anything about his parents- when or where they lived--? A No sir.
- Q Was Walter Brooks a slave? A No sir.
- Q You claim your mother, Mary Brooks was stolen from him? A Yes sir.
- Q How old would Walter Brooks be if living now? A I don't know sir.
- Q When did he die? A I don't know sir.
- Q Where did he die? A In the War.
- Q In what State? A I don't know.
- Q Do you know whether he claimed through his father or mother, Walter Brooks? A No sir, I don't know whether he did or not.
- Q Did he live in Mississippi and have a family there in 1830?
- A Yes I reckon so.
- Q You have heard so? A Yes sir.
- Q In the family? A Yes sir.
- Q How old would your mother, Mary Brooks be if living now? A She would be between 65 and 76; I don't know but what she would be older.
- Q Was Mary Brooks her maiden name? A Yes sir.
- Q When she married it was Mary Gage? A Yes sir.
- Q What is her name now? A She goes by the name of Maria Brooks but her proper name is Mary.
- Q Does she -- how does she get the name of Brooks? A She married a man named Brooks after her first husband died.
- Q Then you are not able to go back to any ancestor who was a Choctaw and had Choctaw blood farther than this Mary's father, Walter Brooks, your grandfather? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A Not as 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, Col. 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 them go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, between 1833 to 1838? A I don't know sir.

Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation East of the Mississippi River under article fourteen of the treaty of 1830? A I don't know sir.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama in the old Choctaw Nation under any other article of the treaty of 1830 or under the supplement-- A Not that I know of.

Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States and the Choctaw Indians other than the treaty of 1830? A No sir.

The Choctaw Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified refusing to go to the Indian Territory with the other Indians were required, if they wanted to take advantage of article fourteen of that treaty of 1830, to go to the United States Indian agent, Col. Ward, within six months after the ratification of that treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States; a good many Indians did this whose names Col. Ward neglected to put upon his list known as Ward's Register, and his neglect to do this caused many Indians who held land in Mississippi upon which they had improvements to lose both for they were taken from them by the Government and sold at its Public Land Sale; this caused many complaints so that in 1837 by an act approved March 3, 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 another Commission was appointed by Congress for the same purpose under an act approved August 23, that year; this Commission also went to Mississippi and heard claimants under article fourteen.

Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? Do you know? A No sir.

Those Indians who proved their claim under article fourteen of the treaty of Dancing Rabbit Creek and who also further proved that they had formerly held land in the old Choctaw Nation which the Government had taken from them and sold at public Land Sale should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana-- under an act approved August 23, 1842,-- and that certificates to that effect should be given to them.

Q Do you know whether any of your Choctaw ancestors received any of this scrip or certificates which were issued to the Indians by the

Government? A No sir, I don't.

Q Have you any other proof or evidence that you want to introduce now in support of your claim? A No sir.

Q Do you want any time in which to introduce such evidence? A No sir.

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

Q Do you know whether your father or mother could speak the Choctaw language? A I don't know sir.

Q Could Walter Brooks speak the Choctaw language? A I don't know sir.

Q Is there anything further you want to say? About the case?

A No sir, only I have four more children or five.

Q They have not been before the Commission, have they? A Yes, there's two of them before it last August.

Q What are their names? A Laura Griffith or Griffin.

Q What are the names of her parents? A Mack Bigger and Mollie Bigger

Q Was she been before the Commission? A No sir.

Q Well, give me the names of your children that have been here and are heads of families. A Laura Griffin, my daughter and James Bigger, my son.

Q To be identified as Mississippi Choctaws? A Yes sir.

Q Do you want to have their cases referred to and made a part of the records in this case? A Yes sir.

Q But now give the names of your two children that have not been before the Commission. A Melissa Griffin- she married; and Mack Bigger, Jr.

Q Where does Melissa Griffin live? A In our neighborhood; in Pine Hill Texas.

Q Where does Mack Bigger Jr. live? A In Rusk County, Minden Texas.

This applicant has the appearance and physical characteristics of being part Indian and part white; she has long straight and black hair; a medium dark complexion, brown eyes dark, and shows the physical characteristics of one of mixed Indian and white blood; she does not claim to have negro blood and in the opinion of the Commission she has none, although she herself married a negro and her mother was a slave; claims her mother was stolen. She has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 8, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 30 day of April, 1902.

*Clarence H. Wood*  
Notary Public.



COPY.

M C R 5122

Muskogee, Indian Territory, April 13, 1903.

Mollie Bigger,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that on the 13th day of April 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Brooks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Brooks,	M C R 4886
Mollie Bigger, et al.,	" 5122
Jeff Brooks, et al.,	" 4842
Frances Spencer, et al.,	" 4883
Laura Jones, et al.,	" 4859
Ada Walls, et al.,	" 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:

M B 2

"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 Edie 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, Ezekiel Jones, Rance Jones, Malissa Jones, Minnie Jones, Sam Jones, Charlie Jones, Ada Walls, Fred Walls, Mary Walls, Clancy Walls, and Lulu 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,

*Tams Pirby.*

Chairman.

Registered.

COMMISSIONERS

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

ALLISON I. AYLESWORTH,  
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5122.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 22, 1903.

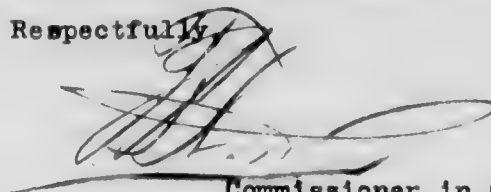
Mollie Bigger,

Wynnewood, Indian Territory.

Dear Madam:-

You are hereby notified that on the 18th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Brooks et al., of which decision you were advised by registered mail on the 13th day of April, 1903.

Respectfully,



Commissioner in Charge.

No. 5122

For Identification as a Mississippi Choctaw.

Date APR 8 1902

Name Mollie Bigger

Age 46 — Blood  $\frac{3}{4}$  —

Post Office, Wynnewood, ~~W.V.~~ <sup>N.J.</sup>

Father: Granville Gage, d

Mother: ~~Mary Gage~~ <sup>Mary Brooks</sup> l

Claims through both parents.

Husband

Maek Bigger, l. col.

No claim for negro  
Husband -

Children:

Willie Bigger, 20

Martha Eadie " 18

Corra " 16

Keel M " 13

Claims for self &  
4 minor children,

Stenographer

H. L. Hains -

General Office MCR

Advising that Sec. of Int. has  
affirmed Commission's decision

Mollie Bigger,



UNCLAIMED

Penalty for private use, \$300.

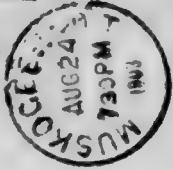
Department of **POSTAGE**  
Commission to the Post Office  
MUSKOGEE, MO. TER.  
OFFICIAL BUSINESS. 1903

TELETYPE

5122



*file*



COMMUNICATION TO  
F. I. I.

AUG 22 1903

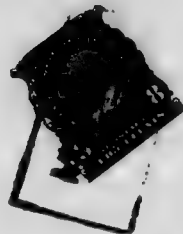
*Chas. W. ...*

CHAS. W.

Reg No. 148  
148



UNCLAIMED



Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Mollie Bigger,

Wynnewood, Indian Territory.



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

**FILED**

MAY 25 1903



CHAIRMAN





Choctaw MCR 5123

Alfred M. Petty

See MCR 762

Department of the Interior.  
Commission to the five civilized tribes.  
Muskegee, I.T. April 11, 1902.

5123

In the matter of the application of Alfred M. Petty for the identification of himself and his seven minor children, Campbell C., Columbus A., Bertha C., Luther A., Artie M., Troy O. and Finis E. Petty, and his ward-nephew, Jesse C. Petty, as Mississippi Choctaws.

J.G. Ralls att'y for applicant.

Alfred M. Petty being duly sworn on his oath testified as follows:

Examination by the Commission:

- Q What is your name? A Alfred M. Petty.  
Q What is your age? A Forty four.  
Q What is your post office address? A Marquez, Texas.  
Q How long have you lived at that place? A About forty years in that County.  
Q Where did you live the other four years of your life? A In Macogoches County, Texas.  
Q Always lived in Texas? A Yes sir.  
Q Is your father living? A No sir.  
Q Is your mother living? A No sir.  
Q What was your father's name? A James F. Petty.  
Q What was your mother's name? A Sarah Ann Petty.  
Q Through which parent do you claim your Choctaw blood? A Father.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No sir, I guess not.  
Q Have you proof of the marriage of your father and mother with you?  
A No sir.  
Q Can you tell when and where they were married? A In Mississippi I can't tell when.  
Q Can you introduce proof later if given time? A I suppose so.

Reasonable time will be allowed for this purpose.

- Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q White woman or Indian? A White.  
Q What is the name? A Margaret P. Petty.  
Q You don't make any claim for her, do you? A No sir.  
Q Have you any children under twenty one years of age and unmarried for whom you wish to make application? A I have seven of my own and one nephew.  
Q Whose child is that? A My brothers.  
Q Is he dead? A Yes sir.  
Q Is his wife dead? A No sir; living.  
Q Is this child living with her? A No sir.  
Q With you? A No sir.  
Q Where is it living? A With another brother.  
Q Are you guardian of that child? A Yes sir.  
Q Legally appointed guardian? A Yes sir.  
Q What is the name of it? A Jesse C. Petty.  
Q Boy? A Yes sir.  
Q How old? A He is nineteen.  
Q Are these papers which you have introduced herethe papers of guardianship appointing you as guardian of this child; make application for him and to do other matters pertaining to his property interests? A Yes sir.  
Q You introduce them now, do you, as a part of this case and to show your authority? A Yes sir.

Guardianship papers issued by the County Court, County of Leon, State of Texas, appointing Alfred M. Petty guardian of the minor, J.C. Petty, introduced by him at the present time in this application received, filed, marked Exhibit "A" and made a part of the records in this case.

- Q Give me the name of your oldest child ? you wish to make applicatin for? A Campbell C. Petty  
Q How old is he? A Nineteen.  
Q The next? A Columbus A.  
Q How old? A Seventeen.  
Q The next? A Bertha O. Petty.  
Q How old is she? A She's fourteen.  
Q The next? A Luther A. Petty.  
Q How old? A Eleven.  
Q The next? A Artie M. Petty.  
Q Boy? A No sir, a girl.  
Q How old is Artie? A Nine.  
Q The next? A Troy O. Petty.  
Q Boy or girl. A A boy five years old.  
Q Next? A yinis E. Petty.  
Q How old? A Three.  
Q y-i-n-i-a? A Yes sir.

- Q That's the finis is it? A Yes sir, that's all.
- Q Is Margaret P. Petty the mother of these children? A Yes sir.
- Q And you are the father? A Yes sir.
- Q Were you or she ever married before you married each other?
- A No sir.
- Q You and your wife are now living together as man and wife? A Yes sir.
- Q And these children are now living with you at your home? A Yes sir.
- Q When were you married to her? A July 28, 1881 .
- Q By a minister under a license? A Yes sir.
- Q Have you proof of that marriage with you now? A No sir.
- Q You can introduce it later, can you? A Yes sir.

Reasonable time will be allowed for that purpose.

- Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and children under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to any authority whatever before? 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 for the purpose of being identified and for the identification of these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you come here today, to be identified yourself as a Mississippi Choctaw and to identify also your own children and this child as Mississippi Choctaws, under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you make any other claim today for identification as Mississippi Choctaw for anybody else beside your own children? A Yes, for my nephew, Jesse C. Petty.
- Q Is this a boy? A Yes sir.
- Q How old is this boy? A Nineteen.
- Q You introduce this authority of guardianship to warrant your right to make this application for this boy? A Yes sir.
- Q What is his father's name? A George H. Petty.
- Q Is he living? A No sir.
- Q What is his mother's name? A Liny Latham now.
- Q She is living? A Yes sir.
- Q He claims his Choctaw blood through which parent, father or mother? A Father.
- Q How much Choctaw blood did his father have? A One sixteenth.
- Q How much do you claim for this boy, Jesse C.? A Thirty second.

Q When did his father, George H. Petty die? A May 1882 I don't remember the day.

Q Has George H. Petty ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.

Q What relation is Jesse C. Petty to you? A He is my nephew.

Q Jesse C. Petty is the same as J.C. Petty in this paper here? A Yes sir.

Q The Judge of that County Court was J.W. Powell? A Yes sir.

Q Do you know whether George H. Petty was ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A He was not.

Q How long since Jesse C. Petty lived with his mother, Liny Latham? A About two years.

Q Is your name or the name of your children or the name of Jesse C. Petty your nephew, 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 for yourself and children or has anyone made application for your nephew Jesse C. Petty for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Has any one made application for him, Jesse C. Petty or have you made application for yourself or your children to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.

Q Has application ever been made for Jesse C. Petty or have you made application for yourself or children for enrollment in the Choctaw Nation to any authority whatever at any time previous to this present application? A No sir.

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

Q Do you now come before this Commission to identify yourself and your children and Jesse C. Petty 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 reckon I don't thoroughly understand it. I have heard it explained though several times.

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 shall not 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 or did any of the ancestors of this child, Jesse C. Petty, comply or attempt to comply with article fourteen of that treaty? A Some of the older ones may have done; they haven't since I know anything about them.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A George Tubb.
- Q What relation is he to you? A My great grandfather.
- Q How much Choctaw blood did he have? A A half was it.
- Q Jesse C. Petty was your nephew, wasn't he? A Yes sir.
- Q And he would be the great great grandfather of Jesse C. Petty? A Yes sir.
- Q Did he live in Mississippi in 1830 and was he head of a family there then? A I don't know.
- Q Did you ever hear that he lived in Mississippi? A Yes sir.
- Q Don't you know that he lived there seventy two years ago? A No, sir, I don't know that; I suppose he did.
- Q Well, did you ever hear that in the family? A Yes sir.
- Q And that he had children there then? A Yes sir.
- Q You have heard in the family as a matter of family history and tradition that he was head of a family in Mississippi in 1830? A Yes sir.
- Q Jesse C. Petty claims through his father, George H., doesn't he? A Yes sir.
- Q And George H. claimed through whom? A James F. Petty.
- Q That is your father, isn't it? A Yes sir.
- Q And James F. through whom? A Alfred Petty.
- Q And Alfred through whom? A Mary Petty, whose ancestors name was George Tubb.
- Q And she claimed through George Tubb? A Yes sir.
- Q Did your father ever live in Mississippi? A Yes sir.
- Q Do you know when he died? A In June, 1882, I don't know the day.
- Q Know how old he was when he died? A Near sixty I reckon.
- Q Died twenty years ago? A Yes sir.
- Q He would be about eighty years old now? A Yes sir.
- Q And he was born where? A In Tennessee I suppose.
- Q He left Tennessee for Mississippi? A Yes sir.
- Q From there he went where? A Texas.
- Q And died there? A Yes sir.
- Q Did any of your Choctaw ancestors ever receive or claim any land in Mississippi or Alabama under the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 when that treaty of Dancing Rabbit Creek was made or in 1831? A I don't know sir.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi or Alabama after the treaty of 1830 was made and in 1831

after it was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent, Col. Ward, within six months from the time of the ratification of that treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A great many Choctaw Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register; and of the 7000 or more who stayed back there not more than 143 heads of families appear upon his list. Therefore it was positively known that a great many claimants under article fourteen who desired to register with Col. Ward and who attempted to do so failed to get their names upon his list. This failure on the part of Col. Ward to make a proper list caused a great many Indians who had lands in Mississippi in the old Choctaw Nation upon which they had improvements lost both their land and improvements; both were taken from them by the Government and sold at Public Land Sale. This caused so many complaints among the Indians that in 1837 Congress appointed a Commission which went to Mississippi and heard claimants under that article of that treaty--appointed March 3, that year,--in 1842 under an act approved August 23, 1842, another Commission was appointed by Congress for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under that article of that treaty?  
A I don't know sir.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of that treaty, if he further shows that he had had land in the old Choctaw Nation which the Government had taken from him and sold that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A I don't know sir.  
Q Who was Milton Ikard; how related to you? A Second cousin.  
Q He has been before the Commission to be identified as a Mississippi Choctaw? A Yes sir.

His number M.C.R.767 is here referred to and made part of this record.

Q You have also other relatives who have appeared before here claiming through the same common ancestor? A Yes sir.  
Q Do you want the testimony given by Milton Ikard and your other relatives considered with yours when yours is considered? A Yes sir  
Q Have you any evidence that you want to introduce now in support of this application? A No sir.

Thirty days time is allowed this applicant in which to introduce any documentary or other proper evidence in support of this application he makes for himself and children.

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

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

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

This applicant has the appearance and physical characteristics of being descended from white parentage; he has blue eyes, reddish brown whiskers, brown hair. He does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 11, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 6 day of May, 1902.

*W. Mitchell Wood*  
Notary Public.



Miss. Choctaw 5123  
Miss. Choctaw 5148

Muskogee, Indian Territory, May 13, 1902.

J. G. Ralls,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 10, inclosing the certificate of J. P. Johnson, County Clerk, Leon County, Texas, to the destruction of the marriage records of that county in 1862, joint affidavit of D. W. Tubb, N. E. Hunt and L. J. Tubb to the marriage, in 1873, of E. W. Petty and Harriet Dove; joint affidavit of H. A. Grayson and A. B. Jones to the marriage of E. W. Petty and Mrs. Fannie Yarborough in 1885, which are offered in support of the application for identification as Mississippi Choctaws of E. W. Petty et al.

Also receipt is acknowledged of joint affidavit of H. A. Grayson and A. B. Jones to the marriage of A. M. Petty and Margaret P. Grayson, in 1861. The same have been filed with the records in the above named cases and will receive consideration in the disposition of the applications.

Yours truly,

Acting Chairman.

COMMISSIONERS

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

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 0123

ALLISON L. AYLESWORTH,  
 SECRETARY

ADDRESS ONLY THE  
 COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**Alfred M. Petty,**  
**Marquez, 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. Hearte, 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.	5438
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
Itylene 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
Belle 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.	5075
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 Bail, 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, Ityiene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, 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)

Registered.

*[Signature]*  
Chairman.

M.C.R. 5123

Muskogee, Indian Territory, May 1, 1905.

Alfred M. Petty,  
Marques, 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.

MISSISSIPPI

~~The within application is accepted on behalf of the within named child as evidence of its birth, and will be filed and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.~~

3 190

*[Handwritten signature]*

CHAIRMAN

M C R 5123



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

DEPARTMENT of the INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----00-----

IN RE Application for Enrollment, as a citizen of the Choctaw  
Nation, of Lula E Petty, born on the 16 day of January 1903.  
Name of Father: Alfred M. Petty a citizen of the Choctaw Nation.  
Name of Mother: Margaret P. Petty, a citizen of the Choctaw Nation.

Postoffice, Marguez Texas

-----00-----

AFFIDAVIT OF MOTHER.

Indian Territory |  
Southern District |

I, Margaret P. Petty, do hereby state that I am 37 years of  
age and a citizen, by Marriage, of the Choctaw Nation;  
that I am the lawful wife of Alfred M. Petty, who is a citizen, by  
Birth, of the Choctaw Nation; that a Female child was  
born to me on the 16 day of January; that said child has been named  
Lula Elizabeth Petty, and is now living.

Margaret P. Petty  
Mother of child.

Subscribed and sworn to before me this the 21 day of March A.D. 1903.

W. K. Powell  
Notary Public for Leake County, Texas

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

Indian Territory |  
District of |

I, B. F. Wilson, Physician, on oath state that  
I attended Margaret P. Petty on the 16 day of January, 1903, and  
said Margaret P. Petty is a Female citizen of the Choctaw Nation,  
to have been born Lula Elizabeth Petty, and is now living.

B. F. Wilson

Subscribed and sworn to before me this the 21 day of March  
W. K. Powell  
Notary Public for Leake County, Texas

No. 5121

For Identification as a Mississippi Choctaw

Date

Nov 11 1902

Name Alfred M. Petty

Age 44 - Blood  $\frac{1}{16}$

Post Office, Marquez, Texas.

Father: James T. Petty, d.

Mother: Sarah Ann " d.

Claims through father  
wife Margaret P. Petty, l. w.

No claim for wife

Children; Campbell C. Petty .19

Columbus a. " 17

Bertha O. F. " 14

Luther a. " 11

Artie M. (F.) " 9

Troy O. (M) " 5

Finnis E. " 3

Claims for self  
and children - (over)

Stenographer H. G. Harris -

1/32 c. blood

Jesse C. Petty (M), 19  
father —

George H. Petty (d) 1/16

Livy Latham (l)

Jesse C Petty claim

his' father —

---

Choctaw MCR 5124

Delphia A. Elliott

See MCR 572, 5289, 5290  
4049

MCR 5124

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Selbert, I.T., June 11, 1900.

Q 372

In the matter of the application of of Delphia Ann Elliott for enrollment of herself and her children as Choctaw citizens by blood; being sworn and examined by Acting Chairman Bixby, she testified as follows:

- Q - What is your name? A - Delphia Ann Elliott.  
Q - How old are you? A - 42.  
Q - What is your post office address? A - Jackson, I.T.  
Q - How long have you lived at Jackson? A - A year last January.  
Q - Where did you live from to Jackson? A - From Texas.  
Q - You arrived in Jackson in January, 1899? A - Yes, sir.  
Q - How long did you live in ~~Arkansas~~? A - 6 or 7 years.  
Q - Where did you live before you resided in Texas? A - In Arkansas.  
Q - How long did you live in Arkansas? A - Several years.  
Q - Where did you live before you lived in Arkansas? A - One year in Mississippi.  
Q - Where did you live before you lived in Mississippi? A - In Alabama.  
Q - How long did you live in Alabama? A - I was ten or 12 years old when my father moved from there; I was born in Alabama.  
Q - You make application as a Choctaw by blood? A - Yes, sir.  
Q - What is the name of your father? A - Pompey Stanfield.  
Q - Is he living? A - No, sir.  
Q - Was he a white man? A - Yes, sir.  
Q - What was your mother's name? A - Lutisha Sullinger.  
Q - Is she living? A - Yes, sir.  
Q - Is she a Choctaw Indian? A - Yes, sir.  
Q - What proportion of Choctaw blood does she claim to have? A - Half blood.  
Q - What county in the Choctaw Nation does she belong to? A - I don't remember.  
Q - Was her name ever on the Choctaw Tribal rolls? A - I don't know, sir.  
Q - Do you know whether she was ever recognized as a Choctaw Indian by blood by the Choctaw tribal authorities? A - Yes, sir, last summer.  
Q - The Choctaw Tribal authorities wouldn't do it last summer; are you talking about the Dawes Commission? A - Yes, sir.  
Q - Then she was never recognized by the Choctaw Tribal authorities? A - No, sir.  
Q - What county in the Choctaw Nation do you claim to belong to. A - Jackson County.  
Q - What proportion of Choctaw blood do you claim to have in your veins? A - 1/4.  
Q - Has your name ever been on the Tribal rolls of the Choctaw Nation? A - No, sir.  
Q - Were you ever recognized by the Choctaw Tribal authorities as a Choctaw Indian? A - No, sir.  
Q - Did you ever apply to the Choctaw Tribal authorities for enrollment as a Choctaw Indian by blood? A - No, sir, I haven't.  
Q - Did you apply to the Dawes Commission in 1896? A - No, sir.  
Q - Wasn't your name in the Sullinger case? A - Yes, sir.  
Q - Didn't your name appear in that application, the Sullinger case? A - I don't know whether it did or not.  
Q - How long have you been married? A - About 25 years, my license there will show.  
Q - Do you know, as a matter of fact, whether you applied to the Dawes Commission in 1896 or not? A - No, sir, I did not.  
Q - You are claiming citizenship now on account of your

Delphia Ann Elliott - 2.

brothers and sisters who did apply, are you? A - Yes, sir, there is two of us.

Q - Are you married? A - Yes, sir.

Q - What is the name of your husband? A - James B. Elliott.

Q - Is he a white man? A - Yes, sir.

Q - Are you claiming any rights for him? A - No, sir.

Q - Have you got any children? A - Yes, sir.

Q - Are you claiming any rights for them? A - Yes, sir.

Q - When were you married? A - I can't tell you, look at my license and you can see.

Q - You think it was the 22nd day of December, 1875? A - Yes.

Q - Where were you married? A - In Arkansas.

Q - Were you living there when you were married? A - Yes, sir.

Q - You were married under Arkansas law? A - Yes, sir.

Q - What are the names of your children under 21 years of age and unmarried, and their ages? A - William Eggbert, born March 2, 1882; Nancy L., born June 12, 1884; Jessie, born March 5, 1886; Deflourie, born December 28, 1887; Nancy, born September 26, 1890; Ruth, born July 15, 1892; Grace, born 1894, Florence, born October 14, 1897, Lawson, born August 21, 1899.

Q - Are your children all living at home? A - All but one.

Q - Are all those children you called living at home? A - Yes.

Q - Their post office address is the same as yours? A - Yes.

Q - You claim they are Choctaw Indians by blood? A - Yes, sir.

Q - Any additional statement in your behalf, or in behalf of the application of your children that you would like to make at this time? A - No, sir.

Q - Any papers you would like to file? A - No, sir.

Q - Do you want to file these papers? A - I don't know whether my husband will want them or not. Yes, we will file these papers. (Papers offered and placed on file.)

Q - The testimony in this case and the papers which you have filed, and any other papers which you may desire to leave with us will be forwarded to the Honorable Secretary of the Interior for his examination when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

The enrollment of yourself and your children is refused for the reason that your names do not appear upon the Tribal rolls of the Choctaw Nation now in the possession of this Commission, and for the additional reason that it does not appear from the testimony or the records in our possession that you or your children were ever recognized as citizens of the Choctaw Nation by blood by the properly constituted Tribal authorities of said Nation, and you were not admitted to Citizenship by this Commission acting under the law of June 10, 1896, or by the judgment of the United States Court in the Indian Territory; and the enrollment of yourself and children is refused for the further reason that it appears from the testimony that you have given in this case that neither you or your children removed to and established your residence in the Nation in which you claim citizenship within the time required by law.

-----  
Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Sworn to and subscribed before me this the 18 day of June, 1900.

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

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 10, 1901.

-----

In the matter of the application of Nancy M. Beebe, et al  
for identification as Mississippi Choctaws, M.C.R-4320.

-----

In the matter of the application of Lutisha Armstrong,  
et al, for identification as Mississippi Choctaws, M.C.R-4321.

-----

--Applicants represented by J.E. Arnold,---

Charles E. Stanphill, called as a witness on behalf of  
applicants, having been first duly sworn, upon his oath testifies  
as follows:

Examination by the Commission:

★

- Q What is your name? A Charles E. Stanphill.  
Q What is your age? A Forty.  
Q What is your post office address? A Caddo at the present  
time.  
Q What is your occupation? A Farmer.  
Q Are you related to Nancy N. Beebe? A Yes sir, she is my sister  
Q Are you related to Lutisha Armstrong? A She is a niece of  
mine.  
Q Have you ever been admitted to citizenship in the Choctaw Na-  
tion by either the Choctaw tribal authorities, the Commission to  
the Five Civilized Tribes or the United States Court in Indian  
Territory? A I have been by the Commission and the United States  
Court.  
Q You were admitted by judgment of the United States Court? A Yes  
sir.  
Q When and where were you admitted? A I was enrolled at Durant.  
Q Were you living in the Choctaw Nation in 1896 and 1897? A I  
was living near Whitefield in the Choctaw Nation.  
Q You say you were admitted by judgment of the United States  
Court as a citizen of the Choctaw Nation? A Yes sir.  
Q In what case were you admitted? A Charles D. Sullinger vs.  
the Choctaw Nation.  
Q Were you present when that judgment was given? A No sir.  
Q How do you spell your name? A S-t-a-n-p-h-i-l-l.

A copy of the order of the United States Court in Indian  
Territory, Central District, in the possession of the Commis-  
sion in case No. 47, shows that an order was made and entered  
of record admitting to citizenship, in the case of Charles  
D. Sullinger et al vs. the Choctaw Nation, Charles E.  
Stanphill.

219

- Q Is that your name? A Yes sir.  
Q Are you the same person who was admitted under the name of  
Charles E. Stanphill? A Yes sir, that is my name.

W.C.R. 4320 & 4321.----2.

The Commission: Mr Arnold, do you desire to ask any questions?

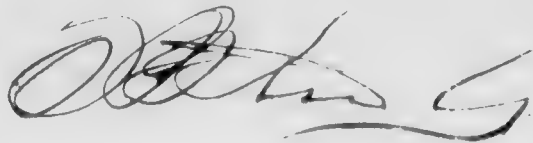
Mr Arnold: No, that is all.

(Witness Excused)

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled causes as above, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on the 10th day of December, 1901.

*H. C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory this, 20th day of December, 1901.



Commissioner.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 10, 1902.

5124

In the matter of the application for identification as Mississippi Choctaws of Delphia A. Elliott for herself and her seven minor children, Jesse, Deffury, Samantha, Ruth, Grace, Florence and Lawson Elliott.

Applicants not represented by attorney.

Delphia A. Elliott being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Delphia A. Elliott.  
Q D-e-l-p-h-i-a? A Yes, sir.  
Q E-l-l-i-o-t-t? A Yes, sir.  
Q What is your age? A Forty-three.  
Q What is your post office address? A Jackson.  
Q What state? A Indian Territory.  
Q How long have you lived at Jackson? A Three years.  
Q Where did you live before that? A In Texas and Arkansas.  
Q Where were you born? A Right close to Mississippi.  
Q In what state? A In Alabama.  
Q How long did you live in Alabama; how many years about? A I don't know.  
Q Ten, fifteen or twenty? A No, sir.  
Q About five? A Yes, sir.  
Q Then you went from there where? A Mississippi.  
Q Lived there how long? A I don't know.  
Q Give me some idea? A I don't know.  
Q From Mississippi you went where? A Texas.  
Q Did you live in Texas until you came to the Territory? A Yes, sir.  
Q Is your father living? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your mother's name? A P. Stamphill, S-t-a-m-p-h-i-l-l-a.  
Q What is your mother's name? A Lutitia.  
Q Through which parent do you claim Choctaw blood, father or mother? A Mother.  
Q How much Choctaw blood do you claim? A One-third.  
Q How much do you claim? A One-fourth.  
Q Has your mother ever been recognized 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 She has been enrolled? A Yes, sir.  
Q Is she an Indian now and has she rights in Indian Territory? A Yes, sir.  
Q Her name is Lutitia Stamphill? A Yes, sir.  
Q When was she enrolled as a Choctaw Indian? A It has been two or three years I don't know how long.

- Q By whom was she enrolled as a Choctaw Indian? A I don't know sir.
- Q Who is James P. Stamphill? A My brother.
- Q You say your mother was admitted as a citizen but the question on this; was she admitted by the Choctaw tribal authorities; she was not admitted by the Choctaw tribal authorities was she; she was admitted by a Court Judgment was she not? A I don't know.
- Q She was recognized after she became an admitted citizen by judgment of the Court? A Yes, sir.
- Q Are you married? A Yes, sir.
- Q What is your husband's name? A J. B. Elliott.
- Q He is a white man is he? A Yes, sir.
- Q You make no claim for him do you? A No, sir.
- Q Give me the name of your oldest child under twenty-one years and unmarried? A I can't give you the ages.
- Q Give me the name of the oldest child? A Jesse.
- Q Is J. B. Elliott the father of this child? A Yes, sir.
- Q How old is Jesse? A You have got the ages of all on the record.
- Q But I want you to give them? A I can't do it.
- Q You won't undertake to give them? A No, sir.
- Q What is the name of the next one? A DeFlury.
- Q How old is DeFlury? A I don't know.
- Q What is the name of the next child? A Samantha.
- Q You don't know her age? A No, sir.
- Q What is the name of the next child? A Ruth.
- Q What is the age of that child? A I don't know.
- Q What is the name of the next? A Grace.
- Q How old is Grace? A I don't know.
- Q What is the name of the next? A Florence.
- Q How old is Florence? A I don't know.
- Q What is the name of the next? A Lawson.
- Q How old is Lawson? A About three I think.
- Q What is the name of the next? A That is at home.
- Q You claim for yourself and children do you? A Yes, sir.
- Q J. B. Elliott the father of these children? A Yes, sir.
- Q You are the mother? A Yes, sir.
- Q They all live with you at your home? A Yes, sir.
- Q Do you and your husband live together as husband and wife? A Yes sir.
- Q Were either you or he married before you married each other? A No, 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 You stated a little while ago that the names and ages of these children were on the record of the Commission? A They are on the papers we gave in at Colbert.
- Q Who made application at Colbert? A I did.
- Q You made application at Colbert? A Yes, sir.
- Q You made application for citizenship in the Choctaw Nation at Colbert? A Yes, sir.
- Q You remember the date of that application? A No, sir.
- Q You remember whether it was one, two, three, four or five years ago? A No, sir.
- Q Did you make application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896 that is six years ago when the Dawes Commission heard under that law of June 10, 1896? A I don't know sir.
- Q Did you ever make application or any one for you to the Dawes Commission at any other time before this application at Colbert? A No, sir.

#3

- Q Did you ever make application, or any one for you or your children for citizenship in the Choctaw Nation to the Choctaw tribal authorities; I mean now to the Choctaw Nation? A I don't know.
- Q You come here to-day to make application to be identified and for the identification of your children as Mississippi Choctaws? A Yes, sir.
- Q In response to a letter written you by the Commission March 31, 1902? A Yes, sir.
- Q You made application for admission for yourself and children at Colbert, Indian Territory, June 11, 1900; did you not? A Yes, sir.
- Q What was done with that application; were you rejected? A I don't know.
- Q Did you never get any letter or any paper with reference to it? A I don't know sir.
- Q You then made application for citizenship in the Choctaw Nation for yourself and children by blood did you not? A Yes, by blood.

The records in the possession of the Commission show that this applicant made application for herself and children for citizenship in the Choctaw Nation, by blood, to the Commission at Colbert Indian Territory, June 11, 1900; that said application was refused by the Commission; that she was sent a notice to that effect; and that said notice was mailed September 1, 1900.

- Q You understood did you not that your application at that time was refused by the Commission? A No, sir.
- Q Well what are you making application for to-day; you now come here to be identified as a Mississippi Choctaw not knowing what action was taken in the matter? A No, sir.
- Q You know that you was refused then do you? A No, sir.
- Q What do you know? A I don't know much.
- Q What are you here for to-day; don't you know that this application was refused, made by you at Colbert? A Yes, sir.
- Q Well why do you say no when you mean Yes; because you were refused at that time you come here now to make application; do you not? A Yes, sir.

Number of Choctaw card, field number R-572 is here referred to.

- Q Do you want to have the evidence presented by you in this application made by you at Colbert, June 11, 1900, transferred to this application and made a part of it? A Yes, sir.
- Q Do you come before the Commission to-day to identify yourself and your minor children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand article fourteen of that treaty? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September 1830. That article fourteen was made and put into the treaty for the especial benefit and protection of Choctaw Indians who preferred to stay back in the old Choctaw Nation East of the Mississippi River and refused to go to the Indian Territory under the articles of the treaty of 1830. This article fourteen which was put into the treaty of 1830 in order to protect the interests of those Indians who stayed back there reads as follows:

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

- Q You claim under that do you? A Yes, sir.
- Q You think you understand that article; You understand it well enough to claim under it? A Yes, sir.
- Q With reference to the ages of your children which you could not remember I would like to ask you if the testimony with reference to their birth given by you in your testimony in your application at Colbert, June 11, 1900 is correct? A Yes, sir; that is correct.
- Q There you stated that Jesse was your oldest son? A She is married now.
- Q Did you have a son named Jesse? A No, sir that is my girl.
- Q Is she older than DeFlury? A Yes, sir.
- Q She is married now? A No, sir; she is not married.
- Q This is J-e-s-s-i-e and is a girl and married? A No, sir; she is not married.
- Q Is she over twenty-one? A No, sir; she is under twenty-one.
- Q Was she born March 5, 1886, as given in your previous testimony? A Yes, sir.
- Q Sixteen is her age then is it? A Yes, sir.
- Q DeFlury is the next? A Yes, sir.
- Q Was he born December 28, 1887 as given in your testimony? A Yes, sir.
- Q How old would he be now; about fourteen? A About fourteen.
- Q Is Nancy dead? A No, sir.
- Q Well the name of Nancy is down there? A No, sir; she is a married girl.
- Q How old is Samantha? A You have to look.
- Q The name is not given on this record? A Twelve. (prompted by daughter of applicant)
- Q Did you forget to give in her name on this record? A That was a mistake.
- Q Nancy is Married? A Yes, sir.
- Q Ruth was born July 15, 1892 according to your testimony at Colbert that would make her ten years old would it not? A Yes, sir.
- Q Grace was born in ninety-four according to your testimony at Colbert is that right? A Yes, sir.
- Q She is eight years old is she not? A Yes, sir.
- Q Was Florence born October 14, 1897? A Yes, sir.
- Q That would make her about five years old would it not? A Yes, sir.
- Q Lawson born August 24, 1899? A Yes, sir.
- Q Make him about three years old? A Yes, sir.

- Q Is J. B. Elliott the father of these children? 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 Elizabeth
- Q Elizabeth what? A Sullenger.
- Q Is that a woman? A Yes, sir; (prompted by husband)
- Q What is her first name? A Elizabeth, (by husband; Sophie)
- Q What relation was she to you? A My grandmother.
- Q How much Choctaw blood did she have? A She was a full Choctaw
- Q Did she live in Mississippi at any time? A Yes, sir.
- Q Did she live there in 1830, seventy-two years ago? A I don't know.
- Q Do you know of any Choctaw ancestor who did live in Mississippi in 1830? A No, sir.
- Q Or in Alabama? A No, sir.
- Q Did any of your Choctaw ancestors live in Mississippi or Alabama in 1830 and have a family of children there at that time in other words were they the head of a family there at that time? A Yes, sir.
- Q Who lived in Mississippi in 1830 and was the head of a family there then, Sophie Sullenger? A Yes, sir.
- Q Are you sure? A Yes, sir.
- Q How do you know that? A My mother always told me that.
- Q How old would Sophie Sullenger be if living now? A I don't know
- Q She was your grandmother? A Yes, sir.
- Q Your mother's mother? A Yes, sir.
- Q Did your mother ever live in Mississippi? A Yes, sir.
- Q Was she born in Mississippi? A I don't know.
- Q How old is your mother? A Seventy-five.
- Q Do you know where she was born? A In Mississippi somewhere.
- Q You stated you did not know a little while ago; do you say she was born in Mississippi now? A Yes, sir.
- Q About seventy five years old now? A Yes, sir.
- Q Then she was born before the treaty of 1830 was ratified? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements in Mississippi or Alabama in the old Choctaw Nation 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 any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A Yes, I think so.
- Q What makes you think so; how do you know; if you do know? A A I don't know.
- Q Then what makes you think so; the question is did they claim any land or own any in Mississippi or Alabama in the old Choctaw Nation under that fourteenth article of the treaty of 1830? A No, sir.
- Q Did they claim any land? A No, sir.
- Q Under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No, sir.

The Choctaw Indians who remained in Mississippi and Alabama in the old Choctaw Nation, after the treaty of 1830 was ratified were required if they wanted to take advantage of article

fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from its ratification 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. His neglect to do this caused a good many Indians who had improvements in the old Choctaw Nation to have both their land and improvements taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that Congress in 1837 appointed a Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors go before either of these two Commissions that of 1837, or 1842 and claim benefits under article fourteen of the treaty of 1830? A I don't know.
- Q Did your ancestors, any of them, if Choctaw Indians ever receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly held in the old Choctaw Nation and which the government had taken from them and sold at its public land sales; do you know? A I don't know.
- Q Have you any evidence you want to present now, any papers? A No, sir.
- Q Do you want to call any witnesses in this case? A Yes, sir.
- Q Who do you want to call? A My brother.
- Q Is this all you want to call, this one witness? A Yes, sir.
- Q Do you understand or speak the Choctaw language? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. She has medium fair complexion; dark hair; dark 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 April 10, 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 April 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 26th day of April 1902.

*W. H. ...*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 10, 1902.

5124-25.

In the matter of the application for identification as Mississippi Choctaws of Delphia A. Elliott, et al., M.C.R. 5124.

In the matter of the application for identification as Mississippi Choctaws of Ivory Burks, et al., M.C.R. 5125.

Charles E. Stamphill, witness in support of the foregoing applications, being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Charles E. Stamphill.  
Q What is your age? A Thirty-nine.  
Q What is your past office address? A Boggy Depot, Indian Territory.  
Q What is your occupation? A Farming.  
Q Are you a citizen of the Choctaw Nation? A Yes; just admitted by the Court.  
Q Admitted by judgment of the Court at South McAlester? A Yes, sir.  
Q At what date? A About ninety-six or ninety-seven somewhere in there.  
Q What relation is Delphia A. Elliott to you? A She is my sister.  
Q What relation is Ivory Burks to you? A Niece.  
Q She is a daughter of Delphia A. Elliott? A Yes, sir.  
Q Is there anything further you want to say in reference to these applications which they have made to day to be identified with their families as Mississippi Choctaws? A I don't know that it is necessary.  
Q You want to testify to show their relationship to you? A Yes, sir.  
Q And to show the fact that you were admitted by a judgment of the United States Court as a Choctaw citizen? A Yes, sir.  
Q You don't care to testify anything further with reference to their Choctaw blood? A I don't know that it is necessary.  
Q You heard their testimony? A Yes, sir.  
Q Is it the same testimony that you would give if you were to testify in their behalf? A Yes, sir.  
Q You don't care to change their testimony in any way? A There would be a little place or two in my sisters that would not be exactly right.  
Q In what respect would you change the testimony? A If I remember right about the treaty of 1830; she said that they received their land the best she knew; did she?  
Q She did I think; she answered that she understood they received land in Mississippi or Alabama? A According to the way I was taught they received none.  
Q What is the name of your ancestor through whom both your sister and her daughter claim the right to be identified as

#2

- Mississippi Choctaws? A Sophie Elizabeth Sullenger.
- Q Did she live in Mississippi in 1830? A I think she did.
- Q Was she the head of a family there at that time? A I think so.
- Q You know how many children she had in 1830? A Three--I don't know whether it was in 1830; she only had three children.
- Q Has she any children over seventy-two years of age? A Yes, my mother.
- Q How many? A Well I guess she had three then.
- Q Was your mother born in Mississippi? A Yes, sir.
- Q Did her mother comply or attempt to comply as far as you know with the provisions of article fourteen of the treaty of 1830? A As far as I know she did.
- Q What did she do to comply with article fourteen of that treaty? She left there and came to the Territory with the Indians in my understanding.
- Q I asked your sister that question and she said "no" or I understood her to say so.
- Q Do you claim now that your grandmother came to the Territory with the other Indians between 1833 and 1838? A Yes, sir; that is the way I have been taught.
- Q When she came to the Choctaw Nation Indian Territory where did she locate? A Somewhere about Skullyville, Indian Territory.
- Q So your grandmother Sophie Elizabeth Sullenger left Mississippi with her children and came to the Indian Territory with the other Indians under the provisions of the treaty of 1830? A According to my understanding, she did.
- Q Was she removed by the government at its expense? A I think so.
- Q What knowledge have you of that fact? A Not any only I have been taught that.
- Q Where did she die? A I think somewhere about Skullyville.
- Q You know when she died? A No, sir; the record got burned up.
- Q Then she did not get any land in Mississippi or appear before the Commission of 1837 or 1842 in Mississippi? A Not that I know of.
- Q But as you understand it she came to the Indian Territory with the other Indians between 1833 and 1838? A Yes, sir.
- Q Have you any further evidence of that fact? A From my parents they taught it to me at different times.
- Q Have all your ancestors from your grandmother down lived in Indian Territory as far as you know? A No, not all of them.
- Q I mean all those you are descended from in a direct line? A A My mother lived here.
- Q Your grandmother lived here? A No, sir; she lived in Mississippi, awhile and then came back to the Territory.
- Q Did she leave the Territory and go back to Mississippi? A Yes and then came back again.
- Q She came to the Territory; then she went back to Mississippi; and, then came back to the Territory again? A Yes, that is the way I understood it.
- Q Is there anything further you want to testify in this case? A No, sir.

G. Resenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 19, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 3rd day of May 1902.

*G. Resenwinkel*  
Notary Public.



R.572

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

In the matter of the application of Delphia Ann Elliott for enrollment of herself and nine minor children as citizens by blood of the Choctaw Nation.

-----  
The applicant, Delphia Ann Elliott, appeared before the Commission at Colbert, Indian Territory, June 11th, 1900, and from her oral testimony given at that time on behalf of her claim for enrollment of herself and her minor children, William Egbert, Nancy T., Jessie, DeFlorine, Samantha, Ruth, Grace, Florence and Lawson Elliott as citizens by blood 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 had not removed to the Indian Territory in compliance with the act of June 28th, 1898 (Curtis Bill), which provides:  
"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The application for enrollment as citizens by blood of the Choctaw Nation of Delphia Ann Elliott and her minor children, William Egbert, Nancy T., Jessie, DeFlorine, Samantha, Ruth, Grace, Florence and Lawson Elliott is therefore hereby refused.

BY THE COMMISSION.

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

Muskogee, Indian Territory, August 32, 1900.

Muskogee, Indian Territory, September 15, 1900

Delphia Ann Elliott,  
Jackson, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 13th instant, in which you request that the record in the matter of your application for enrollment and the application of your minor children as citizens by blood of the Choctaw Nation be sent to the Secretary of the Interior for his action.

In accordance with your request the same has been filed with the other papers in this case and the records will be transmitted to the Secretary of the Interior for his consideration when the final rolls of the citizens of the Choctaw Nation are sent to him for approval.

Yours truly,

Acting Chairman.

7-R-572

COPY.

Muskogee, Indian Territory, Deco ber 1, 1902.

Delphia A. Elliott,

Jackson, Indian Territory.

Dear madam:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Annie Elizabeth Stamphill, et al., embracing the following applications for identification as Mississippi Choctaws:

Annie Elizabeth Stamphill, et al.	M.C.R. 4049
Julia L. Stamphill,	M.C.R. 373
Mary Keeton, et al.	M.C.R. 376
Latimer Myers Cleveland, et al.	M.C.R. 4050
Eather J. Sartor, et al.	M.C.R. 4649
Sarah White, et al.	M.C.R. 5201
Mary Jeanette Stamphill,	M.C.R. 5202
Delphia A. Elliott, et al.	M.C.R. 5124
Ivory Burks, et al.	M.C.R. 5125
William E. Elliott,	M.C.R. 5289
Nancy L. Curtis,	M.C.R. 5890
Nancy M. Reebe, et al.	M.C.R. 4320
Matisha Armstrong, et al.	M.C.R. 4321
Vincent S. Stamphill, et al.	M.C.R. 5379

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 Annie Elizabeth Stanphill, Martha Stanphill, Luther Stanphill, Bonnie Stanphill, Ada Stanphill, Tom Stanphill, Lillie Stanphill, Julia L. Stanphill (deceased), Mary Keeton, Maude Keeton, Margy Keeton, Latimer Myers Cleveland, James L. Cleveland, Mary E. Cleveland, Charley V. Cleveland, John G. Cleveland, Albert A. Cleveland, Yanney V. Cleveland, Thomas D. Cleveland, Bedford Cleveland, Ledford Cleveland, Lindy L. Cleveland, Esther J. Sartor, Margie Sartor, Alexander Sartor, Andrew Sartor, Ella Sartor, James Sartor, Lillie Sartor, John Sartor, Sarah White, Miriam White, Walter S. White, Mary Jeanette Stanphill, Delphia A. Elliott, Jessie Elliott, Beflury Elliott, Samantha Elliott, Ruth Elliott, Grace Elliott, Florence Elliott, Lawson Elliott, Ivory Burks, Habel Burks, William B. Elliott, Nancy L. Curtis, Nancy M. Beebe, Charles P. Beebe, Lutishia A. Beebe, Fiddie M. Beebe, Mary E. Beebe, Lillie B. Beebe, Lutisha Armstrong, William L. Armstrong, Washie Armstrong, Lonie Armstrong, Jinnie Armstrong, Vincent B. Stanphill and Sallie Stanphill as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

W. H. H. H.

Acting Chairman.

Registered.

M.C.R.5124.

COPY.

Muskogee, Indian Territory, April 18, 1903.

Delphia A. Elliott,

Jackson, Indian Territory.

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 Annie Elizabeth Stanphill, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

(SIGNED).

*Tame Dixby.*

Chairman.

MCR 5124

Muskogee, Indian Territory, December 6, 1906.

Delphia A. Elliott,

Jackson, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion for rehearing filed in this office June 23, 1906, by J. O. Pool, attorney, on behalf of Annie E. Stanphill in the consolidated Mississippi Choctaw case of Annie Elizabeth Stanphill et al.

Respectfully,

Acting Commissioner.

MEMORANDA.

Name Delphia Ann Elliott (Date) June 11, 1900.  
 Choctaw? Yes. County \_\_\_\_\_ Year \_\_\_\_\_ No. \_\_\_\_\_  
 Chickasaw? \_\_\_\_\_ County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_  
 Citizen by blood? Yes,  $\frac{1}{4}$  Mother's citizenship (Choc,  $\frac{1}{2}$ )  
 Intermarried citizen? \_\_\_\_\_

Married under what law? \_\_\_\_\_

License filed this day, \_\_\_\_\_

Wife's name, \_\_\_\_\_

Choctaw? \_\_\_\_\_ County \_\_\_\_\_ Year \_\_\_\_\_ No. \_\_\_\_\_

Chickasaw? \_\_\_\_\_ County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_

Citizen by blood? \_\_\_\_\_ Mother's citizenship \_\_\_\_\_

Intermarried citizen? \_\_\_\_\_

Married under what law? \_\_\_\_\_

License filed this day \_\_\_\_\_

Names of children:

- (husband) James Buchanan Elliott.
- |                     |                         |      |      |     |
|---------------------|-------------------------|------|------|-----|
| 18. Mrs. Eggbert.   | <u>Feb, 1882</u>        | Year | Page | No. |
| 16. Nancy Luttrell. | County                  | Year | Page | No. |
| 14. Jessie.         | <u>Feb 15, 1886.</u>    | Year | Page | No. |
| 13. DeFloune.       | <u>Dec. 28, 1887.</u>   | Year | Page | No. |
| 11. Samantha.       | County                  | Year | Page | No. |
| 8. Ruth,            | <u>July 15, 1892.</u>   | Year | Page | No. |
| 6. Fannie           | County <u>18, 1894.</u> | Year | Page | No. |
| 3. Florence,        | <u>Oct 14, 1897.</u>    | Year | Page | No. |
| 1. Lawson,          | County <u>1899.</u>     | Year | Page | No. |
|                     | County                  | Year | Page | No. |

Pomphrey Stamford, (father)  
Leticia Sullinger, (mother)

For Identification as a Mississippi Choctaw.

Date APR 10 1902

Name Welphia A. Elliott

Age 43 Blood 1/4

Post Office, Jackson, I. T.

Father: P. Stampfield <sup>Phillips</sup> d

Mother: Luititia Stampfield

Claims through mother —  
Husband

J. B. Elliott, w. l.

No claim for husband

- Children:
- Jessie Elliot, 16
  - ~~Jessie Elliott~~, —
  - ~~Paul~~
  - Wesley " 14 —
  - Lammantha " 12 —
  - Ruth — 10 —
  - Grace " 8 —
  - Flora " 5 —
  - Lawson " 3 —

Claims for self & children



CASE NO. 572--Chee. R.,

In testimony names of three  
children are as ~~is~~ follows:

Nancy L. Elliott,

Defleurie       ,,

Nancy           ,,

In judgment these names are:

Nancy T. Elliott,

Deflorine       ,, , ,

Samantha       ,,

R. C. G. Oct., 16, 1900.

Choctaw MCR 5125

Ivory Burks

See MCR 4049

R. 573

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

In the matter of the application of Ivory Burkes for enrollment of herself and minor child as citizens by blood of the Choctaw Nation.

-----

The applicant, Ivory Burkes, appeared before the Commission at Colbert, Indian Territory, June 11th, 1900 and from her oral testimony given at that time on behalf of her claim for enrollment of herself and minor child Mabel Burkes, as citizens by blood of the Choctaw Nation.

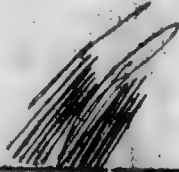
It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1898, 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 had not removed to the Indian Territory in compliance with the act of June 28th, 1898, ( Curtis Bill ), which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The application for enrollment as citizens by blood of the Choctaw Nation of Ivory Burkes and her minor child, Mabel Burkes, 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,  
Colbert, I.T., June 11, 1900.

R 073

In the matter of the application of Ivory Burkes for enrollment as Choctaw citizens by blood for herself and child; being sworn and examined by Acting Chairman Bixby, she testified as follows:

- Q - What is your name? A - Ivory Burkes.  
Q - What is your age? A - 19.  
Q - What is your post office address? A - Tomben, Texas.  
Q - How long have you lived in Texas? A - I went there last November.  
Q - Where did you live before you moved to Texas? A - In the territory.  
Q - How long have you lived in the Territory? A - A year.  
Q - What day did you first come to the Territory? A - The last time it was in January, I believe, 1899.  
Q - Where did you come from? A - Texas.  
Q - How long did you live in Texas? A - I had lived there four or five years.  
Q - Where did you live before that? A - We had been in the Territory.  
Q - How long had you been in the Territory? A - Just one year.  
Q - Where did you live before that? A - In Texas.  
Q - How long had you lived in Texas? A - I don't know, ever since I was 26 years old.  
Q - Where were you born? A - Arkansas.  
Q - You lived there until you were 8 years old? A - Yes, sir.  
Q - During all your life time you have lived about two years in the Indian Territory? A - Yes, sir.  
Q - Are you a Choctaw Indian by blood? A - Yes, sir.  
Q - You wish to make application for enrollment as a Choctaw by blood? A - Yes, sir.  
Q - What is the name of your father? A - Jas. B. ELLIOTT.  
Q - Is he living? A - Yes, sir.  
Q - Is he a Choctaw Indian? A - No, sir.  
Q - A white man? A - Yes, sir.  
Q - What is the name of your mother? A - Delphia Ann Elliott.  
Q - Is she living? A - Yes, sir.  
Q - Is she a Choctaw Indian? A - Yes, sir.  
Q - What proportion of Choctaw blood does she claim to have? A - 1/4.  
Q - Has her name ever been on the Choctaw Tribal rolls? A - No, sir.  
Q - Was she ever recognized by the Choctaw authorities as a Choctaw Indian by blood? A - No, sir.  
Q - What county in the Choctaw Nation does she claim to belong to? A - Jackson.  
Q - What county do you claim to belong to in the Choctaw Nation? A - Jackson.  
Q - What proportion of Choctaw Indian blood do you claim to have? A - 1/8.  
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 by blood? A - No, sir.  
Q - Did you apply to the Dawes Commission in 1896? A - No, sir.  
Q - This is the first application you have ever made? A - Yes.  
Q - Are you married? A - Yes, sir.  
Q - Got any children? A - Yes, sir, got one.  
Q - Do you claim any citizenship for your husband? A - No, sir.  
Q - Do you for your children? A - Yes, sir.  
Q - You claim he is a Choctaw Indian by blood? A - Yes, sir.  
Q - What is your husband's name? A - E. A. Burkes.

Ivory Burkes - 2.

- Q - Is he a white man? A - Yes, sir.  
Q - Where did you marry him? A - In Texas.  
Q - When? A - In 1897.  
Q - Under Texas law? A - Yes, sir.  
Q - Have you your marriage license and certificate with you?  
A - No, sir.  
Q - What is the name of your child? A - Mabel.  
Q - How old is she? A - She is 19 months old.  
Q - Any additional statement you would like to make in regard to your case, or the case of your child? A - No, sir.  
Q - Have you any papers which you would care to file? A - No.  
Q - You will be permitted to file any additional evidence in the form of statements or affidavits which you may desire to present. This testimony and the papers you may be pleased to leave with the Commission will be forwarded to the Honorable Secretary of the Interior for his examination when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

The enrollment of yourself and your child is refused for the reason that your names do not appear upon the Tribal Rolls of the Choctaw Nation now in the possession of this Commission, and for the further reason that it does not appear from the testimony in this case or from the records in our possession that either you or your child have ever been recognized by the properly constituted Tribal authorities as Choctaw Indians by blood, and you were not admitted to Citizenship in the Choctaw Nation by the Dawes Commission acting under the law of June 10, 1896, or by a judgment of the United States Court for the Indian Territory, and for the additional reason that it appears from your testimony that neither you or your child removed to and in good faith established your residence in the Nation in which you claim citizenship within the time prescribed by law.

-----o-----

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 18 day of June, 1900.

[Signature]  
Commissioner.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 10, 1902.

5125

In the matter of the application for identification as Mississippi Choctaws of Ivory Burks for herself and her minor daughter Mabel Burks.

Applicant not represented by attorney.

Ivory Burks being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Ivory Burks,--I-v-o-r-y--B-u-r-k-s.  
Q What is your age? A Twenty-one.  
Q What is your post office address? A Trenton, Texas.  
Q How long have you lived there? A Been there about three or four months.  
Q Where were you born? A In Arkansas.  
Q What place in Arkansas? A I could not tell you.  
Q From Arkansas you went where? A Texas.  
Q Have been there since? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A J. B. Elliott.  
Q What is your mother's name? A Delphia A. Elliott.  
Q You claim through your mother? A Yes, sir.  
Q Is your mother the same Delphia A. Elliott who appeared before the Commission April 10, 1902? A Yes, sir.  
Q How much Choctaw blood do you claim? A One-thirtysecond.  
Q She claims one-quarter? A Yes, sir.  
Q Would you not claim one-half of that? A Yes, sir.  
Q That would be one-eighth? A I don't know what it was.  
Q You claim one-eighth? A Yes, sir.  
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Are you married? A Yes, sir.  
Q Is your husband living? A Yes, sir.  
Q Is he a white man? A Yes, sir.  
Q What is his name? A B. A. Burks.  
Q You make no claim for him? A No, sir.  
Q Have you any children? A I have one.  
Q What is the name of that child? A Mabel Burks.  
Q How old is Mabel? A Three years old.  
Q You claim for yourself and this child do you? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and this child to the Choctaw tribal authorities in Indian Territory? A Yes, sir.  
Q You have, yourself? A Yes, sir.  
Q You made application yourself; not anybody for you? A Made it for myself.  
Q Under the name of? A Ivory Burks.  
Q When did you make it? A Colbert.  
Q You made application for citizenship for yourself and child as citizens by blood of the Choctaw Nation, for yourself and child,

#2

at Colbert, Indian Territory, June 11, 1900? A Yes, sir.

Q What was done with that application? A I don't know.

Q Was it refused? A Yes, sir.

Q Because it was refused you now make this application to be identified? A Yes, sir.

The records in the possession of the Commission show that this applicant under the name of I-v-e-r-y--B-u-r-k-e-s made application for enrollment as a Choctaw citizen by blood, for herself and child, before the Commission at Colbert, Indian Territory, June 11, 1900; that a judgment was rendered against said application, by the Commission, and said judgment was mailed to the applicant, September 1, 1900, and that this applicant received said notification as shown by the testimony and records in this case.

Q You want to make application for identification as Mississippi Choctaws of yourself and your child? A Yes, sir.

Q You want to have the records in this case considered and made a part of your present application; this record, or not? A Well I don't know; I guess not though.

Q Do you prefer to stand upon your present application as you make it now? A Well, Yes, sir.

Q

Card field number R-573 dated June 11, 1900, is here referred to.

Q Did you ever make any other application for citizenship in the Choctaw Nation to the Dawes Commission? A No, sir.

Q You made no application in 1896? A No, sir.

Q Did you ever make application for citizenship in the Choctaw Nation for yourself and child to the Choctaw tribal authorities at any time? A No, sir.

Q Do you come now to be identified as a Mississippi Choctaw and to identify your child as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.

Q You think you understand that article of that treaty? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi, on the 27th day of September of that year and was made for the purpose of inducing all of the Choctaw Indians who lived in that old Choctaw Nation, East of the Mississippi River to go 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 interest 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, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include

the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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 sufficiently to claim under it?  
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 You mean my grandmother?
- Q Yes; what is the name? A Elizabeth Sullenger,---Sophie Elizabeth, I don't know her but I heard her name was Sophie Elizabeth.
- Q Did she or any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I have been taught they did.
- Q You have been taught that in the family? A Yes, sir.
- Q How old would she be if living now? A I don't know.
- Q Was she your great grandmother? A Yes, sir.
- Q Did she speak the Choctaw language? A I don't know that.
- Q Did she ever live in Mississippi? A Yes, sir.
- Q Did she live there in 1830? A I don't know whether she did or not.
- Q Did she have a family of children there at that time? A I don't know.
- Q In other words you don't know whether she was the head of a family in Mississippi or not? A No, sir.
- Q What was the name of her daughter through whom you are claiming? A Lutitia Stamphill.
- Q That was your grandmother? A Yes, sir.
- Q Did she live in Mississippi? A Yes, sir.
- Q Was she born there? A I don't know.
- Q Your mother testified that she was; did you hear her testimony? A Yes, sir.
- Q But you don't know anything about it yourself? A No, sir.
- Qx How old would she be if living now? A I don't know that.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi 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 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.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under the provisions of article fourteen of the treaty of 1830? A I don't know.

The Choctaw Indians who remained in the old Choctaw Nation East of the Mississippi River 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 its ratification and tell him that they wanted to stay there in Mississippi or Alabama in that old Choctaw Nation, 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 neglect to do this caused a good many Indians who held land in the old Choctaw Nation upon which they had improvements



to have them both taken from them by the government and sold at its public land sales. This caused a good many complaints among the Indians especially by those who had lost their land and as the result of the complaints made Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. This Commission was appointed under an act dated March 3, 1837. In 1842 another Commission was appointed by Congress under an act approved August 23, 1842 and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed benefits under article fourteen of the treaty of 1830? A No, sir; I do not.

The act of Congress approved August 23, 1842, provided 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 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 scrip from the government as Choctaw Indians to your knowledge? A No, sir.  
 Q You never heard that they did? A No, sir.  
 Q You have no relatives who have been here to be identified as Mississippi Choctaws? A Yes, sir.  
 Q What name please? A My aunt whose name is Beebe.  
 Q What was her full name? A Margie is all I know.  
 Q B-e-e-b-e? A Yes, sir.  
 Q When did she come before the Commission? A Why it has been three or four months.  
 Q Any others? A No, sir.  
 Q You want to have her testimony and the testimony given by your mother Delphia A. Elliott considered with yours when your testimony is considered by the Commission? A Yes, sir.  
 Q Have you any proof or any witnesses that you want to call? A We want to use the affidavit of J. D. Cleveland and Benjamin G. Sullenger and my uncle.  
 Q Where are these affidavits; have they been filed? A Yes, sir.  
 Q In your mother's application made by her at Colbert? A Sir?  
 Q Are they filed in the application made by her at Colbert? A I don't know.  
 Q Have you any evidence you want to introduce now? A No, sir.  
 Q Do you speak or understand the Choctaw language? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium fair complexion; blue eyes; brown hair. 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 en-

#5

titled cause on April 10, 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 April 1902.

*H. Penwinkel*

Subscribed and sworn to before me this 26th day of April 1902.

*Clara M. Wood*

Notary Public.

Department of the Interior.  
Commission on the Five Civilized Tribes.  
Muskogee, I.T. April 10, 1902.

5124-25.

In the matter of the application for identification as Mississippi Choctaws of Delphia A. Elliott, et al., M.C.R. 5124.

In the matter of the application for identification as Mississippi Choctaws of Ivory Burks, et al., M.C.R. 5125.

Charles E. Stamphill, witness in support of the foregoing applications, being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Charles E. Stamphill.  
Q What is your age? A Thirty-nine.  
Q What is your post office address? A BOGGY Depot, Indian Territory.  
Q What is your occupation? A Farming.  
Q Are you a citizen of the Choctaw Nation? A Yes; just admitted by the Court.  
Q Admitted by judgment of the Court at South McAlester? A Yes, sir.  
Q At what date? A About ninety-six or ninety-seven somewhere in there.  
Q What relation is Delphia A. Elliott to you? A She is my sister.  
Q What relation is Ivory Burks to you? A Niece.  
Q She is a daughter of Delphia A. Elliott? A Yes, sir.  
Q Is there anything further you want to say in reference to these applications which they have made to day to be identified with their families as Mississippi Choctaws? A I don't know that it is necessary.  
Q You want to testify to show their relationship to you? A Yes, sir.  
Q And to show the fact that you were admitted by a judgment of the United States Court as a Choctaw citizen? A Yes, sir.  
Q You don't care to testify anything further with reference to their Choctaw blood? A I don't know that it is necessary.  
Q You heard their testimony? A Yes, sir.  
Q Is it the same testimony that you would give if you were to testify in their behalf? A Yes, sir.  
Q You don't care to change their testimony in any way? A There would be a little place or two in my sisters that would not be exactly right.  
Q In what respect would you change the testimony? A If I remember right about the treaty of 1830; she said that they received their land the best she knew; did she?  
Q She did I think; she answered that she understood they received land in Mississippi or Alabama? A According to the way I was taught they received none.  
Q What is the name of your ancestor through whom both your sister and her daughter claim the right to be identified as

- Mississippi Choctaws? A Sophie Elizabeth Sullenger.
- Q Did she live in Mississippi in 1830? A I think she did.
- Q Was she the head of a family there at that time? A I think so.
- Q You know how many children she had in 1830? A Three--I don't know whether it was in 1830; she only had three children.
- Q Has she any children over seventy-two years of age? A Yes, my mother.
- Q How many? A Well I guess she had three then.
- Q Was your mother born in Mississippi? A Yes, sir.
- Q Did her mother comply or attempt to comply as far as you know with the provisions of article fourteen of the treaty of 1830? A As far as I know she did.
- Q What did she do to comply with article fourteen of that treaty? She left there and came to the Territory with the Indians in my understanding.
- Q I asked your sister that question and she said "no" or I understood her to say so.
- Q Do you claim now that your grandmother came to the Territory with the other Indians between 1833 and 1838? A Yes, sir; that is the way I have been taught.
- Q When she came to the Choctaw Nation Indian Territory where did she locate? A Somewhere about Skullyville, Indian Territory.
- Q How your grandmother Sophie Elizabeth Sullenger left Mississippi with her children and came to the Indian Territory with the other Indians under the provisions of the treaty of 1830? A According to my understanding, she did.
- Q Was she removed by the government at its expense? A I think so.
- Q What knowledge have you of that fact? A Not any only I have been taught that.
- Q Where did she die? A I think somewhere about Skullyville.
- Q You know when she died? A No, sir; the record got burned up.
- Q Then she did not get any land in Mississippi or appear before the Commission of 1837 or 1842 in Mississippi? A Not that I know of.
- Q But as you understand it she came to the Indian Territory with the other Indians between 1833 and 1838? A Yes, sir.
- Q Have you any further evidence of that fact? A From my parents they taught it to me at different times.
- Q Have all your ancestors from your grandmother down lived in Indian Territory as far as you know? A No, not all of them.
- Q I mean all those you are descended from in a direct line? A A My mother lived here.
- Q Your grandmother lived here? A No, sir; she lived in Mississippi, awhile and then came back to the Territory.
- Q Did she leave the Territory and go back to Mississippi? A Yes and then came back again.
- Q She came to the Territory; then she went back to Mississippi; and, then came back to the Territory again? A Yes, that is the way I understood it.
- Q Is there anything further you want to testify in this case? A No, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 10, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this 3rd day of May 1902,

*G. Rosenwinkel*  
Notary Public.

Muskogee, Indian Territory, September 12, 1900

Ivory Barnes,

Tenbean, Texas.

Dear Madam:

The Commission is in receipt of your letter of the 5th instant requesting that the record in the matter of your application and the matter of the application made on behalf of your daughter for enrollment as citizens by blood of the Choctaw Nation be forwarded to the Secretary of the Interior for his consideration.

You are informed that your request has been filed with the records of the Commission and this case will be transmitted to the Honorable Secretary of the Interior when the final rolls of citizens of the Choctaw Nation are sent to him for approval.

Yours truly,

Acting Chairman.

7-R-573

Muskogee, Indian Territory, December 1, 1908.

Ivory Burke,

Trenton, Texas.

Dear Madam:

You are hereby advised that on the 1st day of December, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anna Elizabeth Stanphill, et al., covering the following applications for identification as Mississippi Choctaws:

Anna Elizabeth Stanphill, et al.	H.C.R. 4049
Julia L. Stanphill,	H.C.R. 377
Mary Weston, et al.	H.C.R. 376
Letimer Myers Cleveland, et al.	H.C.R. 4080
Father J. Barber, et al.	H.C.R. 4048
Sarah White, et al.	H.C.R. 5801
Mary Jeanette Stanphill,	H.C.R. 5802
Dolphia A. Elliott, et al.	H.C.R. 5124
Ivory Burke, et al.	H.C.R. 5185
William E. Elliott,	H.C.R. 5289
Nancy L. Curtis,	H.C.R. 5290
Nancy M. Booze, et al.	H.C.R. 4520
Lutisha Armstrong, et al.	H.C.R. 4521
Vincent S. Stanphill, et al.	H.C.R. 5879

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 Annie Elizabeth Stanphill, Martha Stanphill, Luther Stanphill, Jennie Stanphill, Ada Stanphill, Tom Stanphill, Lillie Stanphill, Julia L. Stanphill (deceased), Mary Keeton, Gauda Keeton, Margy Keeton, Esther Myers Cleveland, James Cleveland, Mary E. Cleveland, Charley V. Cleveland, John G. Cleveland, Albert A. Cleveland, Fanny V. Cleveland, Thomas D. Cleveland, Bedford Cleveland, Bedford Cleveland, Lindy L. Cleveland, Esther J. Sartor, Margie Sartor, Alexander Sartor, Andrew Sartor, Ella Sartor, James Sartor, Lillie Sartor, John Sartor, Sarah White, Hiram White, Walter B. White, Mary Jannette Stanphill, Delphia A. Elliott, Jessie Elliott, DeFluzy Elliott, Samantha Elliott, Ruth Elliott, Grace Elliott, Florence Elliott, Lawson Elliott, Ivory Burks, Label Burks, William E. Elliott, Nancy L. Curtis, Nancy M. Beebe, Charles P. Beebe, Lutishia A. Beebe, Minnie M. Beebe, Mary E. Beebe, Lillie E. Beebe, Lutisha Armstrong, William L. Armstrong, Wachie Armstrong, Lonie Armstrong, Jennie Armstrong, Vincent B. Stanphill and Sallie Stanphill as Choctaw Indians entitled 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,

*James D. King*

Acting Chairman.

Registered.

Muskogee, Indian Territory, April 18, 1903.

Ivory Burks,

Trenton, Texas.

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 Annie Elizabeth Stanchill, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

(SIGNED).

*Tams Birby.*

Chairman.



MCR 5125

Muskogee, Indian Territory, December 6, 1906.

I vory Burks,  
Trenton, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion for rehearing filed in this office June 23, 1906, by J. O. Pool, attorney, on behalf of Annie E. Stanphill in the consolidated Mississippi Choctaw case of Annie Elizabeth Stanphill, et al.

Respectfully,

Acting Commissioner.

MEMORANDA.

(Date) June 11, 1900.

Name Ivory Burkes, (19.) Tombson, Texas.

Choctaw? yes County Year No.

Chickasaw? County Year Page

Citizen by blood? yes Mother's citizenship (Choc. 1/4)

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law? (Husband) B.A. Burkes.

License filed this day

Names of children:

Mabel, (19 mo.) 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.

County Year Page No.

County Year Page No.

James Elliott (father)
Delphia Ann Elliott, (mother)

No. 5125

For Identification as a Mississippi Choctaw.

Date APR 10 1902

Name Ivory Burks.

Age 21 - Blood  $\frac{1}{8}$

Post Office, Trenton, Texas.

Father: J. B. Elliott l

Mother: Keephia A. " l

Claims through mother

husband

B. A. Burks, l.w.

No claim for husband.

Children:

Mable Burks - 3 -

Claims for self &  
Chiea -

Stenographer G. Rosemary, etc.

Choctaw MCR 5126

John Jack

--: DEPARTMENT OF THE INTERIOR :-  
--: COMMISSION TO THE FIVE CIVILIZED TRIBES :-

--:)))(o)(((:--

IN THE MATTER OF THE APPLICATION OF JOHN JACK, ET AL.,  
FOR IDENTIFICATION AS MISSISSIPPI CHOC-  
TAWA, -- M:C:R: - 5126.

-----oOo-----

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

-----oOo-----

In the matter of the application of John Jack, et al., for  
identification as Mississippi Choctaws, M C R 5126.

---o---

----: I N D E X :----

--o--

	Page.
Original application of John Jack, et al., for identification as Mississippi Choctaws,-----	1
Testimony of A. Telle taken at Muskogee, Indian Territory, April 10, 1902,-----	6
Decision of the Commission identifying the above applicants,-----	8

--o--

United States of America,  
*Southern Dist.*  
Indian Territory.

On this day personally came and appeared before me, the undersigned, a duly commissioned, qualified and acting Notary Public in and for the *Southern Dist.* Indian Territory, John Jack, who having been by me first duly sworn deposes and says:

That he is the same John Jack who appeared before the Dawes Commission from the State of Louisiana for identification of himself and minor son Isaac as full blood Mississippi Choctaws and who were by decree of the Commission identified as such.

That on the occasion of his visit to Muscogee in the Indian Territory for the purpose of appearing before the Dawes Commission, after having been so identified he returned to his home in Louisiana and has ever since continuously resided there.

That he has never visited the Indian Territory since, and that only on the evening of January 9, 1904, did he take passage at                      *Zimmerman* station on the Texas & Pacific railway in the parish of                      *Rapides* in the State of Louisiana, for the purpose of permanent removal to the Indian Territory for the purpose of permanently residing there and becoming a citizen of said Territory and having lands duly allotted to him and his said minor son Isaac Jack under the law. *That he has never received any notice served on him of the decree of the Dawes Commission.*

That he came continuously from the point mentioned to                      *Mill Creek* station on the *M. & T. Louisianian-San Francisco* Railway in the Indian Territory, arriving at said station on or about                      *8:30 A.M.* o'clock in the                      *morning* on the                      *11* day of January, 1904 at which station he disembarked and now appears before me Notary Public for the purpose of formally declaring and evidencing his removal to and intention to permanently reside in the Indian Territory.

All of which has been done and signed in the presence of

and  
competent witnesses on this 11 day of January 1904.

John <sup>his</sup> + Jack  
mark

Witnesses:

W. B. Fisher

J. L. A. Walker

Subscribed and sworn to before me this  
11<sup>th</sup> day of January 1904

James J. Matter!  
Notary Public

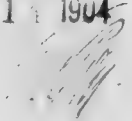


COMMISSIONER

TRIBES

FILED

JAN 1 1904



CHAIRMAN

5126

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 10, 1902.

5126

In the matter of the application for identification as Mississippi Choctaws of John Jack for himself and his minor son, Isaac Jack.

D. C. Scarborough attorney appearing for applicants.

John Jack being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A John Jack.  
Q What is your age; how old are you? A Me, forty five.  
Q What is your post office address; where do you live? A I was raised in Louisiana.  
Q What place in Louisiana; where do you get your letters? A Boyce.  
Q You don't live in Louisiana now? A I live in Louisiana.  
Q You going back there? A Yes, sir.  
Q When you go? A Saturday.  
Q Where were you born? A Born in Louisiana now.  
Q When a baby you were born in Louisiana? A I was raised in Louisiana.  
Q What place in Louisiana? A I live at Boyce now and Alexandria.  
Q Born in Alexandria? A Yes, born in Alexandria.  
Q Always lived in Louisiana? A Yes, sir.  
Q When did you go from Louisiana to the Territory? A Tuesday evening.

Attorney here states that post office address of this applicant is McGlothlin.

- Q You came from Louisiana Tuesday John? A Yes, sir.  
Q All these people too? A Yes, sir.  
Q Two days ago? A Yes, sir.  
Q You never left Louisiana before that? A No, sir.  
Q Is your father living? A Dead.  
Q Mother dead? A Oh! Yes.  
Q What was your father's name? A Just "Jack."  
Q Did he have a Choctaw Indian name? A Yes, sir.  
Q What was his Choctaw name? A I can't tell you.  
Q What was your mother's name? A Eliza is my mother's name.  
Q Do you know her Choctaw name? A Yes sir.  
Q What was her Choctaw name? A No, No.  
Q You are a full blood Choctaw, --Choctaw-phoena? A Yes, sir.  
Q Father and mother both Choctaw? A Yes, sir.  
Q When did your father die? A About four years. 1  
Q Four years ago? A Yes, sir.  
Q Was he an old man? A I was a small boy, I don't remember.  
Q When did he die? A About forty years ago.  
Q When did your mamma die? A Long time ago, about thirty years ago

#2

- Q Both died in Louisiana? A Both died.
- Q In Louisiana? A Yes, sir.
- ✓ Q You got a wife John? A Yes, I got a wife; she died.
- Q You are a widower now? A Yes, sir.
- Q You got a little boy? A Yes, sir.
- Q Sixteen years old? A Sixteen years old.
- Q What is the name of your boy John? A Isaac.
- Q Isaac Jack? A Yes, sir.
- Q Is that all you got underage? A Yes, sir.
- Q Just one? A Yes, sir.
- Q You got three children over age and married? A Two married.
- Q One not married? A Yes, sir.
- Q You got two married and the other one is over age? A Yes, sir.
- Q Are they here to-day? A Yes, sir.
- Q Out here to-day? A Yes, sir.
- Q They are out in the Hall-way right here? A Yes, sir.
- Q You never lived in the Choctaw Nation Indian Territory? A No, sir.
- Q You never made application to the Choctaw tribal authorities to be admitted in the Choctaw Nation here? A No, sir.
- Q Your father and mother always lived in Louisiana? A Always lived in Louisiana.
- Q And died there a long time ago? A Yes, sir.
- Q Is your name or the name of Isaac Jack on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Yes, sir.
- Q You did not put them on the roll here did you? A No.
- Q Is your name or have you ever made application for citizenship in the Choctaw Nation for yourself and your son Isaac to the Choctaw tribal authorities; you never did in the Indian Territory, did you? A No.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission, this Dawes Commission, under the act of Congress of June 10, 1896; I mean did you go to the Dawes Commission six years ago, you did not did you? A No.
- Q This is the first time you come before this Commission? A Yes, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory; what I mean by that John, have you ever been in the Indian Territory to be enrolled before this time, you never have, have you? A No.
- Q This is the first time is it? A Yes, sir.
- Q You have only been in the Territory three days and this is the first time you come before the Commission? A Yes, sir.
- Q Now John, do you come here to the Dawes Commission to-day so as to get your name and the name of your son on the rolls, to be identified as Mississippi Choctaws claiming under that treaty of 1830, article fourteen of that treaty? A Yes, sir.
- Q You claim under article fourteen do you? A Yes, sir.
- Q You don't understand it? A Yes, I understand it a little.
- Q Did you ever hear of the treaty of Dancing Rabbit Creek in Mississippi? A Yes, sir.
- Q You heard about that? A Yes, sir.
- Q That was the treaty made in 1830 at that place between the Choctaw Indians, you know? A Yes, sir.
- Q And the government? A Yes, sir.
- Q That treaty of 1830, or the treaty of Dancing Rabbit Creek was made to get the Choctaws to leave that old Country down there East of the Mississippi River and come over here to the Choctaw Nation? A Yes, sir.

Well a good many would not go, they stayed back there and their friends and brothers and sisters said you must put something into the treaty for these men that stay back there so that they will have rights too, and so they put that article fourteen in that treaty. The treaty was an agreement and an article was just simply some lines in the treaty that was put there to protect the Choctaws who stayed in the old Choctaw Nation. 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. Per sons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

- Q You claim through your parents do you John? A Yes, sir.  
 Q How old was your Papa when he died? A He died forty years ago.  
 Q Was he an old man then? A He was tolerable old.  
 Q Was he over seventy years? A Oh! yes, over seventy.  
 Q You think he was seventy-five years old? A No, about seventy.  
 Q What was his Papa's name? A Jack.  
 Q What was his Mama's name? A Eliza.  
 Q Your papa's name was Jack and your Mama's name was Eliza; now what was your Papa's papa's name? A Jack.  
 Q Now what was your Grandpapa's wife's name? A Becky.  
 Q Where did he live in Louisiana or Mississippi? A They came from Mississippi.  
 Q Lived in Mississippi? A Yes, sir.  
 Q In the old Choctaw Nation? A No.  
 Q Did they not live in the Choctaw Nation in Mississippi where the Indians lived? A In Mississippi to Louisiana.  
 Q Lived with the other Indians in Mississippi? A Yes, sir.  
 Q ~~Where all the Indians lived? A Yes, sir.~~  
 Q Now was your papa Jack born in Mississippi? A Mississippi; born there.  
 Q Seventy years ago? A Yes, sir.  
 Q Then your grandpapa Jack lived in Mississippi in 1830, seventy two years ago? A Yes, sir.  
 Q Had a family there then? A Yes, sir.  
 Q He was the head of a family there then? A Yes, sir.  
 Q Now John did any of your ancestors, your papa, your grandpapa or your mother or grandmama own any improvements on land in Mississippi or Alabama in 1830? A Yes, sir.  
 Q Who told you; your papa? A Yes, sir.  
 Q Your mama told you that too? A Yes, sir.  
 Q Did any of your Choctaw ancestors ever go to the Territory, Indian Territory, to live? A Yes, sir.

#4

- Q No one but you? A No, No.
- Q You are the only one that ever came here of your family? A Yes, sir.
- Q Did you ever hear about Colonel William Ward the United States Indian Agent in Mississippi? A I did not hear.
- Q You don't know of your grandpapa Jack ever went to him? A No, I did not hear at all.
- Q Did not go to him within six months after the ratification of the treaty of 1830? A I did not hear that.
- Q They never told him that they wanted to stay in Mississippi and become citizens of the United States? A No.
- Q Did any of your Choctaw ancestors ever own any land in Mississippi or Alabama or claim any under article fourteen of the treaty of 1830; did you ever hear that? A No, I did not hear at all.

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, 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 neglect to make a proper registration of those applicants who came to him under article fourteen, within the time limited in that article caused many Indians who had land in Mississippi upon which they had improvements to lose both their land and their improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by act approved March 3rd of that year Congress appointed a Commission. This Commission went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed by Congress and this Commission also went to Mississippi and heard claimants under that article of that treaty.

- Q Did your grandpapa or grandmama or any of your kin go before the Commission of 1837 or the Commission of 1842 and claim any benefits as Choctaw Indians under article fourteen of that treaty; they did not did they? A No.
- Q Not to your knowledge did they? A No.
- Q Did any of your Choctaw ancestors receive any scrip, or pieces of paper, called certificates which gave them the right to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land that the government had taken from them in Mississippi or Alabama? A No.
- Q Did you ever hear that? A No, sir; I never heard that.
- Q Have you ever made application before this time to the Commission? A Yes, sir.
- Q Before this? A Yes, sir.
- Q You never have been before the Dawes Commission before? A No, sir.
- Q You speak the Choctaw language do you John? A Yes, sir.
- Q You speak it better than you do the English language? A Yes, sir.
- Q But you understand and speak English some? A No, --Little.
- Q Not very well? A No.

The examination of this applicant is here continued through A Telle, who has been duly sworn as interpreter in this cause.

Examination by D. C. Scarborough, attorney.

- Q How many children have you John and how old are they? A I have four children, the first one is twenty-four years of age; I have only two children here, that oldest one is still back in Louisiana; the next oldest is here with me; her name is Eliza.

By the Commission.

- Q How old is Eliza? A Twenty-one. The next is Isaac he is sixteen years old; he has just one child under age.

By attorney.

- Q How many people live down there in that tribe where you all live in Louisiana; Choctaws? A He says that there are only about fifteen Choctaws living in that community that we come from. Formerly there were a great many but they have nearly all died out and are now still dying out.

By the Commission.

- Q What causes them to die out there; what disease do they die of? A He says they die of a sort of a common fever in that Country. He says it is a fever that reduces them in a short time.

This applicant is a full blood Choctaw Indian having no other blood than that of Indian which he claims is Choctaw Indian. He speaks the Choctaw language. His examination was conducted in the English language but he has not as good a knowledge of the English language as of the Choctaw. He has 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 April 10, 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 April 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 3rd day of May 1902.

*[Signature]*

Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. April 10, 1902.

Testimony of A. Telle

in cases of

John Jack et al.,	M.C.R. 5126
Lisa Scott et al.,	M.C.R. 5127
King Brandy,	M.C.R. 5128
Mary Baptieste et al.,	M.C.R. 5129
Celestine Brandy,	M.C.R. 5130
William Cole,	M.C.R. 5131
Joe Baptieste	M.C.R. 5132
Amos Blue-eye et al.,	M.C.R. 5133

A. Telle being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A A. Telle.  
Q What is your post office address? A Atoka, Indian Territory.  
Q What is your age? A I am forty two years old.  
Q What is your occupation? A I am an attorney.  
Q Are you a full blood Choctaw Indian? A Yes sir.  
Q And a member of the Choctaw tribe of Indians in the Indian Territory? A Yes sir.

~~Examination by D.C. Scarborough, atty for applicants.~~

Q Now, Mr. Telle, have you not had a great deal of experience in interpreting the Choctaw language into English? A Yes, I have a great deal.  
Q You have a very thorough knowledge of the Choctaw full blood in looks and appearance and all? A Yes.  
Q I want to ask you whether or not this lot of Choctaws being examined today are not very ignorant and illiterate? A They are very ignorant and illiterate; and have the characteristics of people of say 100 years back-- of the original Choctaws.  
Q Mr. Telle, what is your knowledge of what significance of Amos having blue eyes, as being indication of not having pure blood?  
A I don't know as there is any indication in that. He may be a freak among the Indian tribes as you find among others; I have

known Choctaws whose eyes- whose ancestry could be traced as far back as the Choctaw Nation knows, and no trace of white blood in any of them but some appearance may indicate that at some remote period they may have had white ancestry.

Q With that exception, of this entire lot the indication is that of Choctaws? A Yes, Choctaws, the purest type.

Examination by the Commission:

Q In reference as to whether this applicant, Amos Blue-eye, has a strain of white blood in his remote ancestry as indicated by blue eyes, do you believe that a Choctaw having any other than Choctaw blood could have blue eyes? A I am not a judge of that; I could call to mind a lot of other people.

Q Well, have you seen a red-headed Choctaw? A Well, that would indicate white but would not prove it; I have known a full blood woman she had red hair and she was full blood Choctaw

Q You don't know he was full blood? A That's what she passed for to the extent that she was called by her Indian name of red hair.

Q But unless a Choctaw Indian full blood with blue eyes is a freak of nature, you would say that blue eyes were not characteristics of one having not altogether Choctaw blood, wouldn't you? A As a rule that might be, but I can't say definitely.

Q It may be that living in the State of Louisiana that back somewhere in the ancestry of this claimant there is a mingling of the old French or English with the Indian? A It might be but then it is so remote that the people don't recollect it.

(Witness excused.)

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on April 10, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 3rd day of May, 1902.

  
Notary Public.



M C I 575

Roll No. 1700.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, JANUARY 14, 1904.

-oOo-

In the matter of the removal to the Choctaw-Chickasaw Country of John Jack, and proof of settlement therein.

-oOo-

D. C. Scarborough, of Scarborough & Carver, attorney.

John Jack, being first duly sworn, testified, through William H. Anderson, duly sworn and qualified interpreter, as follows:

Examination by the Commission:

- Q. What is your name? A John Jack.  
Q How old are you? A About 47.  
Q Are you married? A Yes; she is dead.  
Q Have you any children? A Yes.  
Q How many? A Three living.  
Q How many of the children live with you? A His daughter.  
Q What are the names of the three children? A Eliza Jack, Edward Jack and Isaac Jack.  
Q Are you the same John Jack that was here before the Commission at its office at Muskogee about two years ago? A Yes sir.  
Q Where did you live at that time? Louisiana.  
Q At what place; what was the name of your postoffice? A Boyce.  
Q Did you always live in Louisiana? A Yes sir.  
Q After you were here two years ago, did you go back to Louisiana? A Yes sir.  
Q When did you come back to the Indian Territory? A About five days ago.  
Q Did any of your family come with you? A Yes sir.  
Q How many of them? A His daughter came with him.  
Q Did your son, Isaac come with you? A He is in Louisiana yet.  
Q Between the time you were here two years ago and the time you came here about seven days ago, was you ever back in the Indian Territory? A No sir.  
Q What is your present postoffice address? A He don't know, he has'nt got none, just now; don't know just what his postoffice will be.  
Q Where are you located in the Indian Territory? A Says he don't recollect.  
Q What did you bring with you from Louisiana? A Did'nt bring nothing.  
Q You intend to reside here? A Yes.  
Q Make this your permanent home? A Yes sir.  
Q Have you any property in Louisiana? A He got nothing there except household stuff.  
Q What are you going to do with your household stuff? A Says he

don't know what he will do with it until he stays here and sees.

By Attorney; D. C. Scarborough:

- Q Ask him of the people who were identified by the Commission and came here in 1902, which of them came up with him and are here in the Indian Territory at this time? A He says two men and two women.
- Q Ask him to give their names? A King Brandy and Mary Baptieste.
- Q Ask him if the women brought any children? A One got three children and his daughter got one.
- Q Ask him to give the name of his daughter's child? A Allene.
- Q Ask him to give the names of the other woman's children? A Sam, boy, the girl Louisa.
- Q Ask him where William Cole is? A Says he is dead.
- Q When did he die? A Two years ago.
- Ask him where Joe Baptieste is? A Dead.
- Q Ask him when Joe Baptieste died? A About the same time.
- Q Ask him where Amos Blueye is? A Says he came out to this Nation about two months ago.
- Q Ask him if he knows who brought him? A Says he did hear who it was; but there was a man brought him.
- Q Ask him if the man lived in that country, or was he a stranger? A Says he thinks he was a stranger.
- Q Ask him if all these people he named came up with him two years ago when he was identified? A Yes sir.
- Q Ask him where his son, Isaac, is? A Louisiana.
- Q Ask him why he didn't come with him? A He says he would come pretty soon after.
- Q Ask him why he didn't bring him? A He come off in a hurray and did not have time to get him up; he was off hunting.
- Q Ask him who came down and notified them to come up here? A Man named Gipson.
- Q Ask him if he knows the place they stopped at, the house? A Says he is not acquainted with that country; says he might heard but forgotten.
- Q Ask him if he remembers passing any act before the Notary Public down there before he came here? A Yes.
- Q Ask him if he can read and write? A No sir; can't read nor write.
- Q Ask him of his three children that are living, if all of them came up here with him to be identified, or only two of them? A Says one stayed back and two came.
- Q Which two came? A Eliza and Isaac.
- Q Ask him what name his daughter, Eliza, goes by now? A Liza Scott.

-c00-

Josie Davies, being first duly sworn, on her oath states: That, as stenographer to the Commission to the Five Civilized Tribes, she reported in full all the proceedings had in the above entitled cause on January 14th, 1904, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Josie Davies*

Subscribed and sworn to before me this 15th day of January, 1904.

*Edward H. Harris*  
Notary Public

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

*Now*  
-:))) (O) (((:-

In the matter of the application of John Jack, et al., for identification as Mississippi Choctaws, M C R 5126.

-----: 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 April 10, 1902, by John Jack, for himself, and his minor child, Isaac Jack, 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.

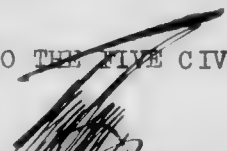
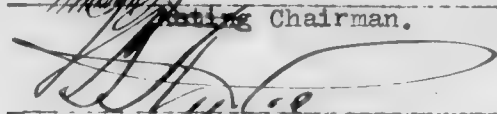
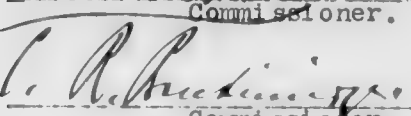
Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"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 John Jack and Isaac Jack should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.  
  
Commissioner.  
  
Commissioner.

Muskogee, Indian Territory,

APR 27 1903

M C R

3396-3392-3343  
5126-3301-3303

Muskogee, Indian Territory, April 4, 1903.

W. H. Gallaway,

Hickory, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, advising change of post office address to Starrett, Indian Territory, of the following Mississippi Choctaws:

Big Wiley Johnson	M C R 3300
Wiley Johnson	M C R 1960
Tom Williamson	M C R 2454
Sim Lewis	M C R 3471
Ben Gibson	M C R 3298
Lewis Gibson	M C R 3433
Bob Johnson	M C R 3396
Ben Gilmore	M C R 3392
Jim Arkansaw	M C R 3343
John Jack	M C R 5126
Willie Gibson	M C R 3301
Jeff Gibson	M C R 3303
Emmie Gibson	M C R 3509
Tom Gilmore	M C R 3096
Charley Lewis	M C R 1968
Lem Thompson	M C R 2119
John Willis	M C R 1169
Henry Jackson	M C R 2465

You are advised that a proper record has been made in the matter.

Respectfully,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, April 27, 1903.

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying John Jack, and his minor child Isaac Jack as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said John Jack 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)

*Tams Dixby.*

Chairman.

Registered.  
Enc. 5126.

AM C R 5126

COPY.

Muskogee, Indian Territory, May 5, 1903.

John Jack,

Care of Big Wiley Johnson,  
Sterrett, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself and minor child, Isaac Jack, as Mississippi Choctaw Indians under the provisions of section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*Tame Dixby.*  
Chairman.

Registered.

Enc. 5126.

Muskogee, Indian Territory, October 12, 1903.

Scarborough & Carver,  
Attorneys-at-Law,  
Natchitoches, Louisiana.

Gentlemen:

Receipt is hereby acknowledged of your letter of October 3, 1903, asking when you may expect a decision in the case of John Jack and his minor children, applicants for identification as Mississippi Choctaws.

In reply to your letter you are informed that it appears from our records that on April 27, 1903, the Commission rendered its decision identifying John Jack and his minor child, Isaac Jack, as Mississippi Choctaws.

It further appears from our records that the said John Jack has removed to the Choctaw-Chickasaw country and his postoffice is now Sterrett, Indian Territory.

Respectfully,

Chairman.



Muskogee, Indian Territory, January 29, 1904.

Scarborough & Carver,  
Attorneys at Law,  
Natchitoches, Louisiana.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th instant, in which you state that it is your understanding it is conceded that no notice of the decision of the Commission identifying John Jack and his minor child, Isaac Jack, was ever delivered or served upon the said John Jack; that he has never had any such notice; that the notice intended for him miscarried and was never received by him.

In conclusion you request that you be furnished a letter from the Commission admitting these facts, so that the matter can be properly submitted to the Secretary of the Interior in order that an order may be issued directing the Commission to furnish John Jack with a new notice allowing him six months from the receipt thereof within which to remove to and make settlement in the Choctaw-Chickasaw country.

In reply to your letter I do not see how we can comply with your request, as the Commission is averse to taking the initiative in a matter of this character. Apparently, the proper

S A C 2

course for you to pursue would be to submit a petition on behalf of the said John Jack and his minor child to the Secretary of the Interior, alleging the facts as set forth in your letter. This petition would probably be referred by the Department to the Commission for report, and when so referred, the matter would receive proper attention.

Respectfully,

Commissioner in Charge.

## For Identification as a Mississippi Choctaw.

Date

APR 10 1907

Name

John ~~Jack~~ <sup>Jack</sup>

Age

45.

Blood

full.

Post Office,

~~Boyce~~, La.

Father:

Jack (

) d

Mother:

Eliza (

) d

Claims through both parents,

wife dead.

Celeste (f. b.)

Children:

Isaac Jack - 16

Claims for sep &  
shed -See testimony of  
Eliza Scott # 5127  
for name of mother & blood  
& Residence

Choctaw MCR 5127

Liza Scott

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

-:))))(O)(((((:-

In the matter of the application of Liza Scott, et al',  
for identification as Mississippi Choc-  
taws, --- M C R - 5127.

---o---

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

-----oOo-----

In the matter of the application of Liza Scott, et al.,  
for identification as Mississippi Choctaws, M:C:R 5127.

---oOo---

-----: I N D E X :-----

---o---

	Page
Original application of Liza Scott, et al., for identification as Mississippi Choctaws,-----	1
Testimony of A. Telle taken at Muskogee, Indian Territory, April 10, 1902,-----	5
Decision of the Commission identifying the above applicants,-----	7

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 10, 1902.

5127

In the matter of the application for identification as Mississippi Choctaws of Liza Scott for herself and her minor child, Aline Scott.

D. C. Scarborough attorney for applicants.

Liza Scott being first duly sworn testified as follows:

Examination by the Commission through A. Telle, who has been duly sworn as interpreter in this cause.

- Q Ask her her name? A Liza.
- ✓ Q Is that all? A She says her name is Liza and that is all but she has a husband; she says her husband's name is Scott.
- Q How old are you? A She is twenty -one years old; he says( indicating John Jack the father of this applicant who is present) she is twenty-two but she says she is twenty-one.
- Q What is your post office address? A McGlathlin
- Q Louisiana? A Yes, sir.
- Q Where were you born? A Born and raised in Louisiana.
- Q Always lived in Louisiana? A Always lived in Louisiana.
- ✓ Q What is your father's name? A John Jack.
- Q He is living? A Yes, living.
- Q Is your mother living? A Mother is dead.
- ✓ Q What was your mother's name? A Celeste.
- Q How do you spell that, do you know? A (by Int. C-o-l-e-s-t-e I think)
- ✓ Q Are you a full blood Indian? A Yes, sir.
- ✓ Q Were your father and mother full blood Indians? A Yes, sir.
- Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, they have not.
- Q Are you married? A She is a widow, her husband is dead.
- Q Have you a child that you want to make application for? A She has one child that she would like to apply for.
- ✓ Q What was the name of the father of the child? A Scott.
- Q Is that the husband that is dead? A Yes, sir.
- Q What is the name of your child? A Aline, A-l-i-n-e.
- Q Aline is it? A Yes, sir.
- Q How old is Aline? A She is six years old.
- Q Is this a female? A Yes, sir; a female.
- Q Is this the child you want to make application for? A Yes, sir.

Commission to Interpreter.

I will ask these questions in the regular form and then you can explain them in a way that she can answer them.

By Interpreter.

I was going to suggest that

By the Commission.

- Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A They are not.
- Q Have you ever made application in Indian Territory for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your child to the Dawes Commission under the act of Congress of June 10, 1896? A No, I never made any application.
- Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the United States Court or the Dawes Commission? A No.
- Q Do you now come here before the Commission to be identified as Mississippi Choctaws, yourself and this child, claiming under article fourteen of the treaty of 1830? A That is the way they make their claim under article fourteen.

The treaty of 1830, was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek, in the state of Mississippi on the 27th day of September of that year, and was made for the purpose of removing as far as practicable, all of the Choctaw Indians who lived in 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 under that treaty and so in order to protect their interests article fourteen was put into the treaty of 1830. It was then signed and 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 What is the name of your ancestor or ancestors who complied or attempted to comply, if any did, with article fourteen of the treaty of 1830? A She says she does not know of any.



#3

- Q What is the name of her ancestors through whom she claims the right to be identified as a Mississippi Choctaw? A She says I have not seen even my grandfather.
- Q Does she know her grandfather's name? A I know nothing of the names of my ancestors.
- Q Except her father? A Yes; she says she does not know her father's father's name.
- Q Do you rest your claim upon the information given in the testimony presented here by your father, John Jack, as to who your ancestors are and as to their Choctaw blood? A Yes, sir.
- Q Did any of your Choctaw ancestors live in the state of Mississippi in 1830, or the state of Alabama at that time? A I don't know.
- Q Did any of your Choctaw ancestors have a family of children or in other words were they the heads of families in the old Choctaw Nation in Mississippi or Alabama to your knowledge? A I don't know.
- Q Did any of them own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors to your knowledge within six months after the ratification of the treaty of 1830 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, in the old Choctaw Nation, take land there and become citizens of the United States? A She says I don't know whether they did or not.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors own any land or claim any land or any benefits whatever in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

The members of the Choctaw tribe of Indians who lived 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 that article of that treaty to go to the United States Indian Agent whose name was Colonel Ward and who, in 1830 and 1831, had an agency in Mississippi and signify to him their intention to remain in the old Choctaw Nation, 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. His neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to have them both taken from them by the government and sold at its public land sales. This caused a good many complaints among the Choctaw Indians so that in 1837, by act approved March 3rd of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. In 1842 by act approved August 23rd of that year another Commission was appointed by Congress for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek.

- Q Did any of your Choctaw ancestors go before either the Commission of 1837 or the Commission of 1842 and claim benefits as Choctaw Indians under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know whether they did or not; I rather think not.

#4

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 taken from him by the government 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 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 scrip from the government as Choctaw Indians? A She says she does not know.
- Q Have you any other evidence you want to present to the Commission now in support of this claim? A None.
- Q Have you any relatives who have been here for identification as Mississippi Choctaws except your father John Jack? A That is the only one.
- A Do you want to have his testimony and yours taken into connection one with the other and consolidated? A Yes, sir; she wishes it all to apply to her testimony.
- Q Are you a full blood Choctaw? A Yes, sir.
- Q Do you speak English? A She says she does not even understand English.
- Q You speak Choctaw altogether? A She speaks the Choctaw language altogether.

This applicant is a full blood Choctaw Indian. She does not understand or speak the English language; speaks altogether in the Choctaw language which is her native tongue. She 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 April 10, 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 April 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 3rd day of May 1902.

*[Signature]*  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. April 10, 1902.

Testimony of A. Telle

in cases of

John Jack et al.,	M.C.R. 5126
Liza Scott et al.,	M.C.R. 5127
King Brandy,	M.C.R. 5128
Mary Baptieste et al.,	M.C.R. 5129
Celestine Brandy,	M.C.R. 5130
William Cole,	M.C.R. 5131
Joe Baptieste	M.C.R. 5132
Amos Blue-eye et al.,	M.C.R. 5133

A. Telle being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A A. Telle.  
Q what is your post office address? A Ateka, Indian Territory.  
Q What is your age? A I am forty two years old.  
Q What is your occupation? A I am an attorney.  
Q Are you a full blood Choctaw Indian? A Yes sir.  
Q And a member of the Choctaw tribe of Indians in the Indian Territory? A Yes sir.

Examination by D.C. Scarborough, att'y for applicants.

Q Now, Mr. Telle, have you not had a great deal of experience in interpreting the Choctaw language into English? A Yes, I have a great deal.  
Q You have a very thorough knowledge of the Choctaw full blood in looks and appearance and all? A Yes.  
Q I want to ask you whether or not this lot of Choctaws being examined today are not very ignorant and illiterate? A They are very ignorant and illiterate; and have the characteristics of people of say 100 years back-- of the original Choctaws.  
Q Mr. Telle, what is your knowledge of what significance of Amos having blue eyes, as being indication of not having pure blood?  
A I don't know as there is any indication in that. He may be a freak among the Indian tribes as you find among others; I have

known Choctaws whose eyes- whose ancestry could be traced as far back as the Choctaw Nation knows, and no trace of white blood in any of them but some appearance may indicate that at some remote period they may have had white ancestry.

Q With that exception, of this entire lot the indication is that of Choctaws? A Yes, Choctaws, the purest type.

Examination by the Commission:

Q In reference as to whether this applicant, Amos Blue-eye, has a strain of white blood in his remote ancestry as indicated by blue eyes, do you believe that a Choctaw having any other than Choctaw blood could have blue eyes? A I am not a judge of that; I could call to mind a lot of other people.

Q Well, have you seen a red-headed Choctaw? A Well, that would indicate white but would not prove it; I have known a full blood woman she had red hair and she was full blood Choctaw

Q You don't know he was full blood? A That's what she passed for to the extent that she was called by her Indian name of red hair.

Q But unless a Choctaw Indian full blood with blue eyes is a freak of nature, you would say that blue eyes were not characteristics of one having not altogether Choctaw blood, wouldn't you? A As a rule that might be, but I can't say definitely.

Q It may be that living in the State of Louisiana that back somewhere in the ancestry of this claimant there is a mingling of the old French or English with the Indian? A It might be but then it is so remote that the people don't recollect it.

(Witness excused.)

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on April 10, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 3rd day of May, 1902.

*Charles Mitchell Wood*  
Notary Public.

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

-----oOo-----

*Case*

In the matter of the application of Liza Scott, et al.,  
for identification as Mississippi Choctaw, M C R 5127.

-----: 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 April 10, 1902, by Liza Scott, for herself, and her minor child,  
Aline Scott, 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 applicants are full-blood Mississippi Choctaw  
Indians.

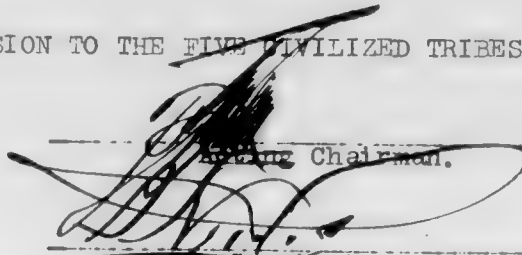
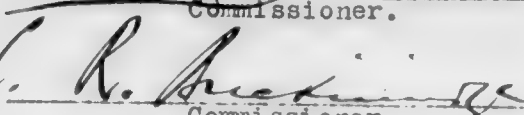
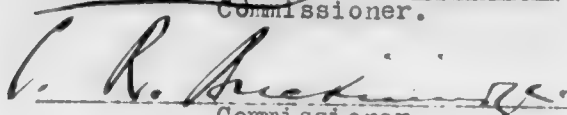
Section forty-one of the act of Congress entitled "An Act  
To ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians, and for other purposes", approved July 1, 1902,  
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations  
September 25, 1902, provides as follows:

"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 Liza Scott and Aline Scott should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.  
  
Commissioner.  
  
Commissioner.

Muskogee, Indian Territory,

JUL 8 1903

  
COMMISSIONER.

M.C.R. 5127

COPY.

Muskogee, Indian Territory, July 8, 1905.

Liza Scott,

McGlothlin, Louisiana.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 8, 1903, identifying yourself and minor son, Aline Scott, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (37 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before January 8, 1904, you will have six months from that date, or until July 8, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

Registered.

Enc. 5127.

M.C.R. 5127

COPY.

Muskogee, Indian Territory, July 8, 1903.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 8, 1903, identifying Liza Scott and her minor son, Aline Scott, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date 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 Liza and Aline Scott 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)

*T. B. Needles.*

Commissioner in Charge.

Registered.  
Enc. 5127.



M C R 5127

Muskogee, Indian Territory, March 7, 1904.

Scarborough & Carver,  
Attorneys at Law,  
Natchitoches, Louisiana.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 28th ultimo, asking if the Commission has yet rendered a decision as to whether or not Lisa Scott who was identified as a Mississippi Choctaw on July 8, 1903, and who removed to the Choctaw-Chickasaw Country January 8, 1904, has made settlement in the Choctaw-Chickasaw country within the limit given her under Section 41 of the act of Congress approved July 1, 1902 (32 Stats., 641).

In reply to your inquiry you are advised that this matter has not yet been passed upon by the Commission.

Respectfully,

Commissioner in Charge.

No. 5127

For Identification as a Mississippi Choctaw.

Date APR 10 1902

Name <sup>Liza</sup> ~~Eliza~~ Scott.

Age 21 — Blood full  
Slothkin

Post Office, McLaughlin, La.

Father: John Jack, l

Mother: Celeste - d

Claims through both parents -  
Husband Scott, d

Children:

Aline Scott, F. 6

Blancin for step &  
child -

Stenographer G. Rosenmuller

END

OF

ROLL

