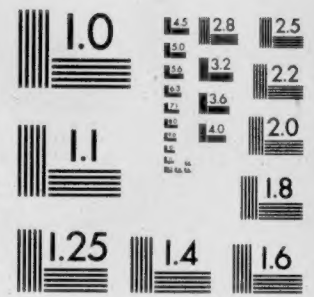
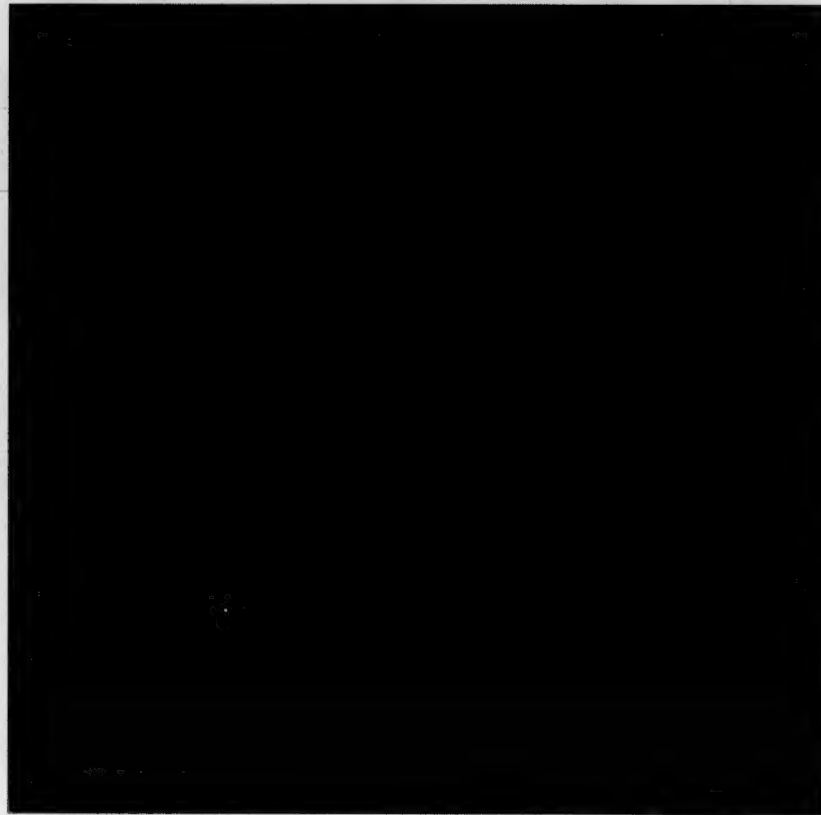
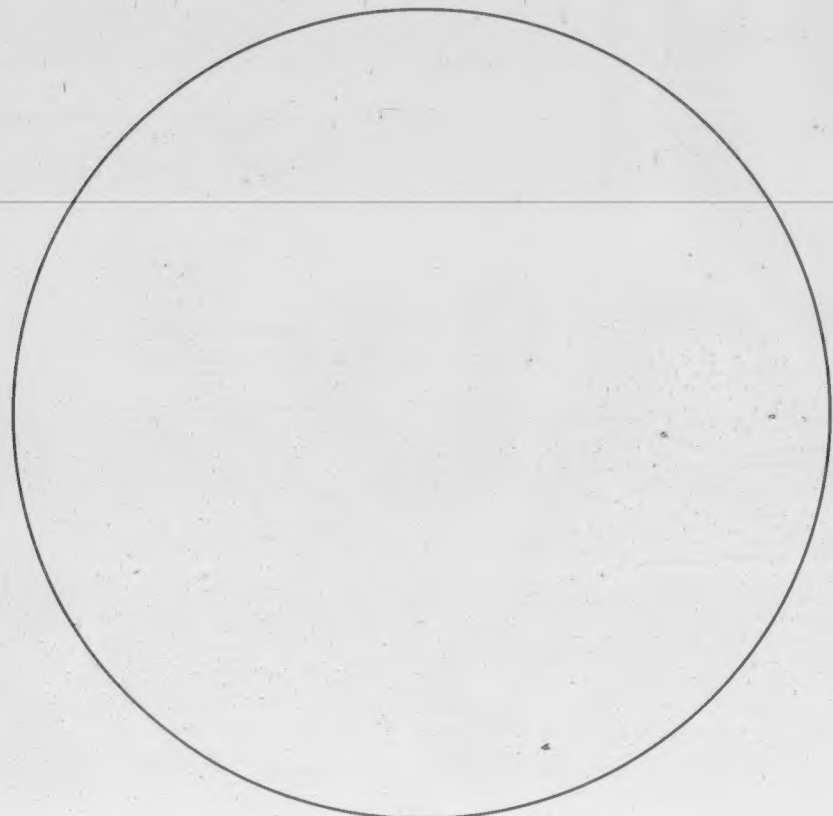
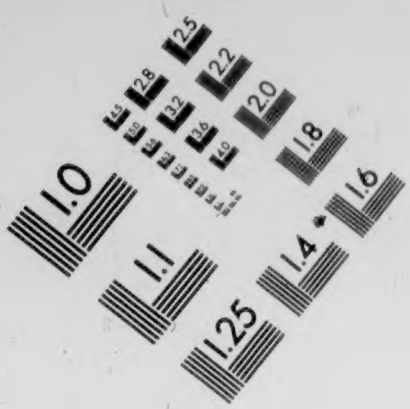


ORR

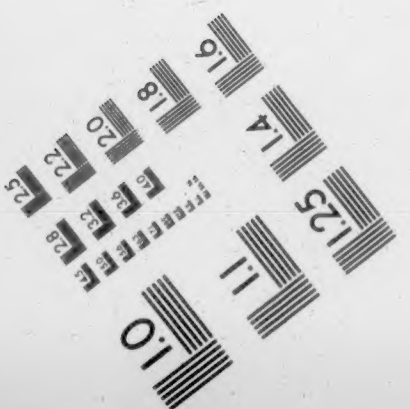
ERR

NATIONAL ARCHIVES CENTER

FORT WORTH, TEXAS



SHOULD MEASURE .25" AT REDUCTION



MANUFACTURED BY
PHOTOGRAPHIC SCIENCES CORPORATION
770 BASKET ROAD
P.O. BOX 338
WEBSTER, NEW YORK, 14590

NATIONAL ARCHIVES MICROFILM PUBLICATIONS
Microfilm Publication M1301

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

ROLL 143

MISSISSIPPI CHOCTAW MCR 5128 - MCR 5204

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

WASHINGTON: 1983

Choctaw MCR 5128

King Brandy

MCR 5128

A

King Brandy

IDENTIFIED

DECISION RENDERED

NOV 24 1903

NOV 24 1903

DECISION RENDERED

NOV 24 1903

Nov. 24, 1903: (I.T.D. 8252-1903) Secty. of Interior directs new notice to applicant and Scarborough and Carver be sent, and applicants allowed six months from date of said notice to remove to and make settlement in Choctaw-Chickasaw country.

New notice allowing six months within which to remove and make settlement mailed applicant
Dec. 23, 1903.

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

-:))o((-

In the matter of the application of King Brandy
for identification as a Mississ-
ippi Choctaw, M C R 5128.

---o---

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

-----oOo-----

In the matter of the application of King Brandy for identification as a Mississippi Choctaw, M C R 5128.

---oOo---

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

-o-

	Page
Original application of King Brandy for identification as a Mississippi Choctaw,-----	1
Testimony of A. Telle, taken at Muskogee, Indian Territory, April 10, 1902,-----	5
Affidavit of D. C. Scarborough,-----	7
Deposition of John S. Calvert,-----	9
Envelope enclosing above deposition,-----	22
Deposition of Joseph Rachal,-----	23
Envelope enclosing above deposition,-----	36
Decision of the Commission identifying the above applicant,-----	37

---o---

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 10, 1902.

5128

In the matter of the application for identification as a
Mississippi Choctaw of King Brandy.

D. C. Scarborough attorney for applicant.

King Brandy being first duly sworn testified as follows:

Examination by the Commission through A. Telle who has been
duly sworn to act as interpreter in this cause.

- Q What is your name? A King Brandy.
- Q What is his age? A He says he is about eighty years old.
- Q What is your post office address? A I asked him if he ever
got any letters and he said he never had a letter in his life;
he says Boyce. (Attorney Scarborough states; McGlothlin)-----
-----He says Boyce is the nearest place.
- Q What state is that Louisiana? A I don't know.
- Q Is it Louisiana? A Well Louisiana.
- Q How long have you lived in Louisiana;----all of his life? A He
says he was born in Mississippi and stayed there until I was
a boy about that hight, may be ten years old, then I crossed
over the River into what is known as Louisiana; it seems
that where he livedthere is just a Creek.
- Q Where did he go then? A Then he has always livedthere, since
that time in the State of Louisiana.
- Q Is your father living? A He has been dead a long time.
- Q Mother living? A Dead.
- Q What is your father's name? A Bob Brandy.
- Q Did Bob Brandy have an Indian name? A He does not know he says;
He never hard it if he did.
- Q What was your mother's name? A He says "I eon't know, I was very
small when she died."
- Q Was your father a full blod Choctaw Indian? A Full blood
Choctaw Yes, sir.
- Q Was your mother a full blood Choctaw Indian? A Full blood, Yes
sir.
- Q You claim to be a full blod Choctaw Indian? A Yes, sir; full
blood Choctaw.
- Q You claim through both father and mother? A Yes, sir.
- Q Have your parents ever lived in Indian Territory and been enrol-
led as members by the Choctaw tribe of Indians or recognized as
such? A No, sir.
- Q Are you married? A My wife is dead.
- Q Do you claim for anybody but yourself? A Just for my self, I
have children but they are grown and will claim for themselves.
- Q Are these grown children before the Commission at this time? A
Yes, they are here.
- Q All here? A Yes, they are here; he has only two children and
they are here.

#2

- 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.
- Q Is this the first time that you have come before the Commission? A Yes, this is the first time I have made my appearance.
- 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.
- Q Do you want to be identified now as a Mississippi Choctaw by the Commission? A Yes, he wishes to be identified as a Mississippi Choctaw.
- Q Do you claim under article fourteen of the treaty of 1830? A He says I don't know just what the provision is but I want to be enrolled as a Choctaw.
- Q As a Mississippi Choctaw? A As a Mississippi Choctaw under that treaty.

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. The object of that treaty was the removal of all the Choctaw Indians from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory; before it was signed a good many Choctaw Indians said they would not go to that Country West of the Mississippi River but preferred to remain in Mississippi and Alabama, in the old Choctaw Nation, in order therefore to protect their interests and provide for them article fourteen was put into the treaty, the treaty was then signed and afterwards ratified on the 24th day of February 1831. Article fourteen is as follows:

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

2

- Q Did any of your Choctaw ancestors comply or attempt to comply with this article of this treaty as explained and read to you? 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? A He says "I was young and I suppose through my father and mother."

#3

- Q What is the name of your father? A Bob Brandy.
- Q What is the name of your mother? A I don't know.
- Qx Did Bob Brandy your father live in Mississippi? A Yes, sir.
- Q Where were you born? A I suppose in Mississippi. It was this side of where he is now.
- Q Was your father living in Mississippi seventy-two years ago at the time when the treaty of Dancing Rabbit Creek was made? A Yes, sir.
- Q He was the head of a family there then; did he have a family there then? A Yes, sir.
- Q Did he own any improvements on land in Mississippi in 1830? A Yes, he owned the place that I was born on.
- Q Can you tell where that was? A I cannot locate the County now because I was small; it was in Mississippi.
- Q What became of that place? A He simply abandoned it and left it.
- Q When did he leave it? A I can't say but it was when I was very small.
- Q Did your father or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to 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 can't say.
- Q Did any of your ancestors ever go to the Indian Territory at any time? A I don't think a single one came.
- Q Did any of your Choctaw ancestors own any land or claim any either in Mississippi or in Alabama, old Choctaw Nation, under article fourteen of 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 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 this caused a good many Indians who had land in Mississippi to make complaint against the government for the neglect that the Indian Agent had made in their cases 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 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. Both of these Commissions made lists of all claimants who appeared before them, respectively.

- Q Did any of your Choctaw ancestors appear before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government of the United States as Choctaw Indians under the act of Congress approved August 23rd 1842, which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they claimed they had held in Mississippi and which the government had taken from them? A I don't know whether they got any or not; I never heard any mention made of scrip.

- Q Have you had any relatives or kin folks who have been before this Commission, before this date, claiming the right to be identified as Mississippi Choctaws? A No, sir; none ever appeared. We are here together and we are nearly all related.
- Q Have you any other evidence or proof that you want to submit at this time? A No, sir.
- Q Do you want any time in which to submit any other testimony or evidence? A

By attorney.

I want further time to take the depositions of two old white citizens who live there, near.

By the Commission.

A reasonable time will be allowed by this applicant in which to furnish any proper evidence which he may introduce in support of this claim.

By attorney.

I make a motion to be allowed a reasonable time in which to take the evidence of John S. Calvert and Joseph Roeschell of the Parish of Natchitoches, state of Louisiana. The evidence to be used in the case of the application by King Brandy and various other Mississippi Choctaws applying for identification April 10, 1902, all of whom are related and constitute what might be designated as the Natchitoches tribe of Mississippi Choctaws residing in the extreme lower limits of the Parish of Natchitoches Louisiana. Their evidence will be used on behalf of all of these parties.

By the Commission.

This Motion is granted.

- Q Do you speak the English language? A No, sir.
- Q You speak altogether in the Choctaw language? A Altogether in the Choctaw language;--I just asked him and he said some of those other Choctaws speak French well but he does not.

This applicant has the appearance and physical characteristics of being a full blood Choctaw Indian. He speaks altogether in the Choctaw language which is evidenced by the fact that he has given his testimony to the Commission through A. Telle, who is an interpreter or Choctaw Indian and a member of the Choctaw tribe of Indians in Indian Territory. 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.

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

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

TESTIMONY OF A. TELLE

IN the 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 Baptiste, et al.,	M.C.R. 5129
Celestine Brandy	M.C.R. 5130
William Cole,	M.C.R. 5131
Joe Baptiste	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, 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 their 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 knew, 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.

Q You don't know she 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 some-where 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 the above testimony on April 10, and that this is a full, true and correct transcript in same.

Henry G. Hains

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

[Signature]
Notary Public.

State of Louisiana.

Parish of Natchitoches.

Before me the undersigned authority, this day personally came and appeared Daniel C Scarborough, who being by me first duly sworn say, he is atty for King Brandy and other Mississippi Choctaw Indians who have applied for identification, as such to the Commission to the Five Civilized Tribes, and filed their applications at Muscogee I.T. in April of this year, and the numbers of which cases are 5127 to 5134 inclusive, as appears by reference to the records of the department at Muscogee. He avers that he desire to procure the depositions of John Simpson Clavert William H Smith, the H in Smiths name being a silent letter, that is it is only the letter put in to designate this Smith from other Smiths and does not stand for any name, also the depositions of Joseph Rachal all of whom are competent witnesses residing in the State of Louisiana, and by each of whom he expects to prove the identity of the applicants in the cases mentioned Mississippi Choctaws and entitled to enrollment as such, that these witnesses are all old men, all are poor and unable to go to the Indian Territory to give their evidence and the applicants are unable to pay their expenses to the office of the commission, that they all live on or about the line of Natchitoches & Rapides Parishes, but over the line on the Natchitoches side as he believes, if not then just over the line in Rapides, he is not absolutely certain just where the Parish line runs affiant further avers he has applied to the Commission to the Five Civilized Tribes and obtained an order for time to take further evidence in support of the applications of the several parties. That he has had service of the annexed Interrogatories made on the Counsel for the Choctaw Nation as will be shown by the sworn return annexed to the depositions, herewith filed, that Peter J Gibson is a duly commissioned qualified and acting Notary Public in and for the Parish of Natchitoches State of Louisiana and he desire a commission do issue to him or any other Notary Public in and for the Parish of Natchitoches ~~XXXXXXXXXX~~ State of Louisiana. to take the answers of the said witnesses and return the same to the commission in sixty days from the date of the issuance of the commission and for all and general relief.

~~XXXXXXXXXX~~

ThatX the commission do issue as soon as the time has elapsed for the issu-
-ing of the commission and same be executed without delay.

Sworn to and subscribed.

Before me on this the 30, day of June 1902.

D. C. [Signature]
Cyrus Fleming
Not. Pub.

Commission to Take Depositions Upon Interrogatories.

Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, INDIAN TERRITORY.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES to any officer authorized to take Depositions:

KNOW YE, that we, reposing confidence in your prudence and fidelity, do, by these presents, give unto you authority diligently to examine John S. Calvert

as a witness in a certain application now pending before the Commission to the Five Civilized Tribes, for the identification as a Mississippi Choctaw of King Brandy

THEREFORE, we desire that you cause the said witness to come before you; and, first duly swearing him to testify the whole truth in the premises, that you examine him upon the interrogatories and cross interrogatories hereto annexed; and, that you cause said examination to be reduced to writing, either by yourself or by the witness in your presence, the answers to each interrogatory and cross-interrogatory to be inserted immediately underneath the respective questions, and the whole, when completed, to be read over to the witness and by him subscribed; and, in taking said depositions, you will permit neither party, nor his agent or attorney, to be present at the examination of the witness, unless both parties are present or represented by an agent or attorney, or unless the opposite party, or his agent or attorney, has been seasonably notified of the time and place of taking the depositions, or the party attending has been notified by the opposite party to attend; and, that in the matter of this application the parties thereto are, the applicant or applicants for identification on the one hand, and the Choctaw and Chickasaw Nations by their attorneys on the other hand; and, when you shall have so taken the said depositions, then, that you send the same without delay, duly certified, with the commission, caption, interrogatories, exhibits and certificate attached, closed under your seal, with an indorsement on the envelope showing them to be depositions, and the style of the application in which they were taken, addressed to the undersigned at Muskogee, Indian Territory.

COMMISSION TO THE FIVE CIVILIZED TRIBES

By Commissioner in Charge

Dated at Muskogee, Indian Territory, this 21st day of July, A. D. 1902

CAPTION OF DEPOSITIONS.

The Deposition of

John S. Calvert

taken on the 29th day of July 1902, between the hours of 8 o'clock A. M.

and 6 o'clock P. M., at the office of

Peter J. Gibson

a Notary Public

in the city of

Natchitoches

in the State of Louisiana

to be read in evidence in the matter of the

application of

King Brandy

for the identification of

himself ~~and his minor children.~~

as a Mississippi Choctaw, pending before the Commission to the Five Civilized Tribes and the Department of the Interior.

M.C.R. 5128

Return of Service on John Simpson Calvert of La.

United States of America.

Indian Territory.

Before me the undersigned authority, a duly commissioned qualified and acting Notary Public for the Indian Territory, this day personally came and appeared John N. Mc Millan who being by me first duly sworn says, that he is a resident of the Indian Territory and that on the 11th day of June 1902 he made service of a true copy of the annexed Interrogatories propounded to John Simpson Calvert of La., by handing the said copy to Mr. Melvin Cornish a member of the law firm of Mansfield Mc Murry & Cornish in person in the town of South Mc Alister Indian Territory, and now make this return of the manner of making said service under oath on this the 10th day of June 1902.

Sworn to and subscribed before

me on this the 10th day of June 1902.

T. R. Dean
Notary Public

King Brandy Et Als.

To

The Commission to the Five
Civilized Tribes. Numbered from 5127 to 5134 inclusive. Application for
identification as Mississippi Chactaws, filed at Muscogee I.T. April 1902.
Interrogatories propounded ~~to~~ to John S Calvert. who resides
neither in the State of Mississippi nor in the Indian Territory, but in the
State of Louisiana. answers to which are to be used in the application
to be identified by the applicants in the above numbered application.

Int No 1 State your name age and residence and present occupation.

*Am 64 years old live at Flatwoods post office
and am a Farmer.*

Answer.

Int No 2X Do you know a small clan of Choctaw Indians living in the State
of Louisiana about the line of Natchitoches & Rapides Parishes.

Answer.

Yes

Int No 3 If in answer to the above you state, you know the family or clan
of Choctaw Indians, state how long you have known them and give the names of
the grown ones as far as you can do so, and state how long you have known
them.

*Have known them all my life was raised among them. There are
a good many grown ones here now viz: Eric Brandy, William Cole, Amos Blue Eye
Allen Wilson Davis Jackson, Lurisa Jackson, Mary Brandy, Mary Bushby, John Justice
Joe Baptiste Sugar Cole, Celestine & number of others I have known them all my
life. Was raised among them.*

Int No 4 State from your knowledge and from the history of these people
as it has been known in your country, about when this clan came into your
country and from where they came, state fully all you know on the subject.

King Brandy et al
vs.

The Commission to the
Five

Civilized Indian Tribes

Deposition

of
John S. Calvert.

POOR ORIGINAL -
BEST AVAILABLE COPY

Answer. From the best of my information, they were here
prior to 1840. Bob Brandy the father of King Brandy was
in this neighborhood during the Storm of 1840. Have always
understood from my father & other men of his time that
1. they came from Mississippi

Int No 6 Have they always since they came into your country, lived so and
made themselves, marrying and intermarrying among themselves.

Answer. Yes. Almost exclusively.

Int No 7 How many of them are there at this time, and how many were there
about 20 years ago, from the best information on the subject, is it
more or less than 200?

Answer. There are now 50 or 60 grown ones. Thirty or forty years
ago there was probably 200 here.

Int No 7 Give your own knowledge of the character and the general history of
the race as you have learned it from the older people in your country?

Answer. They have always since I can remember been known
as Mississippi thestaws. Have heard my father say he knew them
in Mississippi. I mean the older set father & grand father of these
Int No 8 Have they always been peaceable and quiet, ever the act of any of
them being sent to prison for the commission of crime?

Answer. They are very peaceable & quiet. Never knew of but one
being tried for crimes.

Int No 9 What are their condition as to intelligence, their condition as to
property, state all you know about them fully? They are of very limited intelligence
very ignorant & have no property. When kind respectfully.
by the day they all work very well.

[Signature]

CROSS INTERROGATORIES TO BE PROPOUNDED TO JOHN S. CALVERT

Cross. Int. 1 Do you know when and where King Brandy was born ?

Answer. *Don't know of my own knowledge, but he has been here all my life.*

Cross Int. 2 Which one of King Brandy's parents claimed to be Choctaw?

Ans. *Both*

Cross Int. 3 State when and where King Brandy's Choctaw parent was born.

Ans. *Don't know*

Cross Int. 4a If in answer to the preceding cross interrogatory you state that King Brandy's Choctaw parent was born prior to 1830, state whether said parent was married in 1830, and if so, did he or she have any children prior to 1830?

Ans. *Don't know whether they were married at all as to children, they had King & one other*

4b If you state that they had children born prior to 1830, give their names and approximate ages at that time.

Ans. *King who was probably 15 & one other who was younger*

4c If you state in answer to cross interrogatory 4a that they were not married prior to 1830, state if King Brandy's grand-parents were married prior to that time, and if so, did they have children in 1830?

Ans.

Know nothing of them of my own personal knowledge

4d If you state that they had children in 1830, give their names and approximate ages at that time.

Ans.

Cross Int. 5a Which one of King Brandy's Choctaw ancestors was living in the old Choctaw Nation in Mississippi and Alabama in 1830 and there recognized by the Choctaw tribal authorities as a member of the Choctaw tribe at that time?

Ans.

His father & mother his grand parents & all others before. None of his grand parents came to Louisiana but his father & mother that I ever knew of.

5b In what manner were they recognized by the Choctaw tribal authorities?

Ans.

Cannot say

Cross Int. 6a. Do you know of your own personal knowledge whether any of King Brandy's ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek"?

Ans.

No

6b In what manner did they comply or attempt to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek"?

Ans.

Cross Int. 7a Do you know of your own personal knowledge whether any of King Brandy's Choctaw ancestors owned any improvement in what constituted the old Choctaw Nation in Mississippi and Alabama during the year 1830?

Ans.

None that I ever heard of

7b If they did own an improvement there, state who it was that owned it, the relationship of the owner to King Brandy, how long that person owned said improvement and what ~~kind~~ was the nature of the improvement and what finally became of it.

Ans.

Cross Int. 8a Do you know of your own personal knowledge whether or not any of the Choctaw ancestors of King Brandy ever removed from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838; if so state which of his ancestors so removed.

Ans.

*Don't think they did. His father & mother
came here, & never went to the Territory,
never knew what became of his Grand
Parents*

8b Did they come directly to the Choctaw Nation, Indian Territory, or did they go to some other state first. Give as full a statement of their travels as possible if you state that they did not remove directly from the old Choctaw Nation to the new Choctaw Nation.

Ans.

*All the more I know of was the parents
of King came from Miss Land & never left here*

Cross Int. 9 Do you know whether or not any of the Choctaw ancestors of King Brandy 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 1830? If so, who was it that received it, give the relationship of said person to King Brandy, state where said land was located and what finally became of it?

Ans.

Don't know

Cross Int. 10 Do you know whether or not any of the Choctaw ancestors of King Brandy ever appeared before either of the Commissions appointed under the acts of Congress of March 3, 1837 and August 23, 1842, and attempted to establish their rights under article fourteen of the treaty of "Dancing Rabbit Creek"?

Ans.

Don't know

CrossInt. 11a Do you know of your own personal knowledge whether any of the Choctaw ancestors of King Brandy ever received any scrip from the government of the United States which entitled them to select land in Mississippi, Louisiana, Alabama or Arkansas from any of the vacant government land in those states? If so, who was it that received said scrip?

Ans.

None of them ever received any such scrip that I know of.

11b Did they select land under said scrip? If so where was said land located, by whom was it selected and how long was it in the possession of the person selecting it, and what finally became of it?

Ans.

Cross Int. 12a Did you ever see in the possession of King Brandy or in the possession of any one claiming from the same common ancestor that he does, any deed, patent, family record or other documentary evidence which would tend to establish the claim made by the said King Brandy to a right to identification as a Mississippi Choctaw, under the provisions of article 14 of the treaty of 1830?

Ans.

They have no documents of any kind

12b If in answer to the preceding interrogatory you state that you did see such documentary evidence, state in whose possession it was, the nature of said documents and if they are in existence now.

Ans.

12 c If in answer to the preceding interrogatory you state that such documentary evidence was in the nature of a deed or patent to land, state to whom issued, by whom issued and when issued, and give a description of the land which it conveyed as nearly as possible .

Ans.

Cross Int. 13 Is it not a fact that the evidence given by you in reply to the direct interrogatories of the applicant is purely hearsay, being derived from statements made to you either by King Brandy or by some member of his immediate family.

Ans. Yes, tis mostly hearsay, but have been learned
I amet from King. My father was born in Miss.
Among the Choctaw Indians, and all I know of
them since 1848 was what I have heard him
& other men of his age say.

Cross Int. 14 Are you related in any manner to King Brandy? If so in what degree?

Ans. No

Cross Int. 15 Are you an applicant yourself, before the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw?

Ans. No

John J. Walcutt

Subscribed and sworn to before me this 29th day of July, 1902.

Peter J. Gibson
Notary Public.

CERTIFICATE.

State of Louisiana }
Parish of Natchitoches } ss.

I, Peter J. Gibson, Notary Public
within and for the Parish of Natchitoches, Louisiana
do certify that the foregoing Deposition of John S Calvert

was taken before me and read to him in my presence at the time and place and in the action
mentioned in the Caption, the said John S Calvert

having been first duly sworn by me that the evidence he should give herein should be the truth,
the whole truth and nothing but the truth, and that his statement was reduced to writing
by me in his presence (or by him in my presence) the applicant ~~not~~ being present at the
examination

No one being present

(NOTE: Here fill in which of the parties were present at the examination and the manner in which they were present,
whether in person or by attorney.)

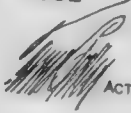
Given under my hand and seal of office on this the 29th day of July A. D. 1902

Peter J. Gibson
Notary Public
(Official Character.)

(Affix seal here.)

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

FILED
AUG 5 1902



ACTING CHAIRMAN.

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

FILED
AUG 9 1902



ACTING CHAIRMAN.

James S. Caban

GA 55 -

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
~~FILED~~
~~AUG 5 1902~~

[Handwritten signature]

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 5 1902

[Circular stamp with illegible text]

[Handwritten signature]

ACTING CHAIRMAN.

5128

The Deposition of *John S. Calvert*

to be read in evidence in the matter of the application of *King Brandy et al*, for identification, as *Mississippi Choctaws* before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory.

Peter J. Gibson
Notary Public
(Official Character.)

COMMISSION TO THE FIVE TRIBES.

NO.	RECEIVED	ANSWERED
1002	AUG 5 1902	BOOK Page

COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE,

INDIAN TERRITORY.



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

Commission to Take Depositions Upon Interrogatories.

Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, INDIAN TERRITORY.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES to any officer authorized to take Depositions:

KNOW YE, that we, reposing confidence in your prudence and fidelity, do, by these presents, give unto you authority diligently to examine Joseph Rachel

as a witness in a certain application now pending before the Commission to the Five Civilized Tribes, for the identification as a Mississippi Choctaw of King Brandy

THEREFORE, we desire that you cause the said witness to come before you; and, first duly swearing him to testify the whole truth in the premises, that you examine him upon the interrogatories and cross interrogatories hereto annexed; and, that you cause said examination to be reduced to writing, either by yourself or by the witness in your presence, the answers to each interrogatory and cross-interrogatory to be inserted immediately underneath the respective questions, and the whole, when completed, to be read over to the witness and by him subscribed; and, in taking said depositions, you will permit neither party, nor his agent or attorney, to be present at the examination of the witness, unless both parties are present or represented by an agent or attorney, or unless the opposite party, or his agent or attorney, has been seasonably notified of the time and place of taking the depositions, or the party attending has been notified by the opposite party to attend; and, that in the matter of this application the parties thereto are, the applicant or applicants for identification on the one hand, and the Choctaw and Chickasaw Nations by their attorneys on the other hand; and, when you shall have so taken the said depositions, then, that you send the same without delay, duly certified, with the commission, caption, interrogatories, exhibits and certificate attached, closed under your seal, with an indorsement on the envelope showing them to be depositions, and the style of the application in which they were taken, addressed to the undersigned at Muskogee, Indian Territory.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

By [Signature]
Commissioner in Charge

Dated at Muskogee, Indian Territory, this 21st day of July, A. D. 1902

CAPTION OF DEPOSITIONS.

The Deposition of Joseph Rachal

taken on the 29th day of July 1902, between the hours of 8 o'clock A. M.
and 6 o'clock P. M., at the office of Peter J. Gibson
Notary Public in the city of Natchitoches Louisiana
in the Parish of Natchitoches, to be read in evidence in the matter of the
application of King Brandy, for the identification of
himself

as a Mississippi Choctaw, pending before the Commission to the Five Civilized Tribes and the
Department of the Interior.

M.C.R. 5128

Return of Service of Interrogatories to Joseph Rachal of La.

United States of America.

Indian Territory.

Before me the undersigned authority this day personally came and appeared *John W. McMillan* who being by me first duly sworn says, he is a resident of the Indian Territory and of the city of South Mc Alister, that he did on the *11* day of *June* 1902 make personal service of the annexed Interrogatories, on the Choctaw ~~XXXXXX~~ Tribe of Indians by handing ~~XXXXX~~ a true copy of the annexed Interrogatories to *Mr. Melvin Cornish* in person, the said party being a member of the legal firm of Mansfield Mc Mur y & Cornish legal counsel for the Choctaw ~~XXXXX~~ Tribe of Indians, this service being made in the Indian Territory on the day and date above stated. and this return of the manner of making said service made under oath on this the *10* day of June 1902.

Sworn to and subscribed before

me a duly commissioned qualified and acting Notary Public.

this 10th day of June AD 1902 *John W. McMillan*

T. R. Dean

Notary Public

Long and, Et Als.

To the Office of the Five

Numbers 1501 512 to 514 inclusive. Application for

Int No 3 [redacted] to Joseph Rachel.

in the Indian Territory, but in the

of the [redacted] to be used in the application

in the above number of application *was*

and residence and present location.

*Joseph Rachel, am 55 years of age, and am
a farmer by occupation*

of the [redacted] in the State
of [redacted]

Yes

of the [redacted] or clan
of the [redacted] and give the names of
as far as you can do so, and state how long you have known

*Have known the tribe 35 years. Individually I know Kling
Bandy, William Cole, Jos. Baptiste, Dave Jackson, Amos Blue Eye, Alex.
Many Bandy, & John Lashawba & others. In fact, I know them all when I see
them but do not remember their names.*

Int No 4 State from your knowledge and from the history of these people
as it has been known in your country, about when this clan came into your
country and from where they came, state fully all you know on the subject.

King Brandy
et al.

To.

The Commission to the
Five

Civilized Indian Tribes.

Deposition of
Joseph R. Achal

Answer. From what I have always heard, they were here prior to 1840.

Int No 5 Have they always since they came into your country, lived to and among themselves, marrying and intermarrying among themselves?

Answer. Yes

Int No 6 How many grown ones are they at this time, and how many were there thirty or forty years ago, from the best information on the subject, state to the best of your ability?

Answer. Really, I could not say how many grown ones belong to this tribe, as a good many of them live along ways off. But there must be 40 or 50. Thirty or forty years ago, there were a great many more than now.

Int No 7 Give your own knowledge of this clan also the legendary history of the clan as you have learned it from the older people in your country?

Answer. Have always heard from old people years since, that these people came from the Choctaw Nation in Mississippi.

Int No 8 Have they always been peaceable and quiet, ever heard of any of this clan being sent to prison for the commission of crime?

Answer. Yes very peaceable. Never heard of but one being tried for crime.

Int No 9 What are their condition as to intelligence, Their condition as to property, state all you know about them fully? Have very little intelligence & no property.

27 Respectfully. J. L. ...

CROSS INTERROGATORIES TO BE PRESENTED TO JOSEPH RACHAL

Cross. Int. 1 Do you know when and where King Brandy was born ?

Answer. No. ~~Has~~ always told me that he was born in Mississippi, & came here a small boy.

Cross Int. 2 Which one of King Brandy's parents claimed to be Choctaw?

Ans. Both

Cross Int. 3 State when and where King Brandy's Choctaw parent was born.

Ans. Don't know

Cross Int. 4a If in answer to the preceding cross interrogatory you state that King Brandy's Choctaw parent was born prior to 1830, state whether said parent was married in 1830, and if so, did he or she have any children prior to 1830?

Ans. King Brandy was certainly born prior to 1830. Don't know anything about the marriage of his parents

4b If you state that they had children born prior to 1830, give their names and approximate ages at that time.

Ans. Never knew of any but King Brandy

4c If you state in answer to cross interrogatory 4a that they were not married prior to 1830, state if King Brandy's grand-parents were married prior to that time, and if so, did they have children in 1830?

Ans.

Don't know

4d If you state that they had children in 1830, give their names and approximate ages at that time.

Ans.

Cross Int. 5a Which one of King Brandy's Choctaw ancestors was living in the old Choctaw Nation in Mississippi and Alabama in 1830 and there recognized by the Choctaw tribal authorities as a member of the Choctaw tribe at that time?

Ans.

Both of them, though they may have been in La in 1830. Never knew his Parents therefore Cannot say, only from hearsay.

5b In what manner were they recognized by the Choctaw tribal authorities?

Ans.

Could not say

Cross Int. 6a Do you know of your own personal knowledge whether any of King Brandy's ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek"?

Ans.

No.

6b In what manner did they comply or attempt to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek"?

Ans.

Don't know

Cross Int. 7a Do you know of your own personal knowledge whether any of King Brandy's Chectaw ancestors owned any improvement in what constituted the old Chectaw Nation in Mississippi and Alabama during the year 1830?

Ans.

Do not know

7b If they did own an improvement there, state who it was that owned it, the relationship of the owner to King Brandy, how long that person owned said improvement and what finally became of the improvement and what finally became of it.

Ans.

Ques Int. 8a Do you know of your own personal knowledge whether or not any of the Choctaw ancestors of King Brandy ever removed from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838; if so state which of his ancestors so removed.

Ans.

Went Neww. But have always heard that the family of King Brandy all came here instead of going to the Indian Territory

Qb Did they come directly to the Choctaw Nation, Indian Territory, or did they go to some other state first. Give as full a statement of their travels as possible if you state that they did not remove directly from the old Choctaw Nation to the new Choctaw Nation.

Ans.

They came to Louisiana, & never did go any where else.

Ques Int. 9 Do you know whether or not any of the Choctaw ancestors of King Brandy ever claimed or received any land in Mississippi or Alabama from the United States government under the provisions of article four teen of the treaty of 1830? If so, who was it that received it, give the relationship of said person to King Brandy, state where said land was located and what finally became of it?

Ans.

Went Neww

Cross Int. 10 Do you know whether or not any of the Chestaw ancestors of King Brandy ever appeared before either of the Commissions appointed under the acts of Congress of March 2, 1837 and August 23, 1842, and attempted to establish their rights under article fourteen of the treaty of "Dancing Rabbit Creek"?

Ans. *Don't know*

CrossInt. 11a Do you know of your own personal knowledge whether any of the Chestaw ancestors of King Brandy ever received any scrip from the government of the United States which entitled them to select land in Mississippi, Louisiana, Alabama or Arkansas from any of the vacant government land in those states? If so, who was it that received said scrip?

Ans. *Don't know*

11b Did they select land under said scrip? If so where was said land located, by whom was it selected and how long was it in the possession of the person selecting it, and what finally became of it?

Ans. _____

Cross Int. 12a Did you ever see in the possession of King Brandy or in the possession of any one claiming from the same common ancestor that he does, any deed, patent, family record or other documentary evidence which would tend to establish the claim made by the said King Brandy to a right to identification as a Mississippi Choctaw, under the provisions of article 14 of the treaty of 1830?

Ans.

No.

12b If in answer to the preceding interrogatory you state that you did see such documentary evidence, state in whose possession it was, the nature of said documents and if they are in existence now.

Ans.

12c If in answer to the preceding interrogatory you state that such documentary evidence was in the nature of a deed or patent to land, state to whom issued, by whom issued and when issued, and give a description of the land which it conveyed as nearly as possible .

Ans.

Cross Int. 13 Is it not a fact that the evidence given by you in reply to the direct interrogatories of the applicant is purely hearsay, being derived from statements made to you either by King Brandy or by some member of his immediate family.

Ans. *Yes.*

Cross Int. 14 Are you related in any manner to King Brandy? If so in what degree?

Ans. *No.*

Cross Int. 15 Are you an applicant yourself, before the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw?

Ans. *No.*

*Joseph ^{his} ~~x~~ Rachel
max
Declaring he knew not how to write*

Subscribed and sworn to before me this 29th day of July,
1902.

Peter J. Gibson
Notary Public.

CERTIFICATE.

State of Louisiana }
Parish of Calchiwches } ss.

I, Peter J. Gibson, Notary Public
within and for the Parish of Calchiwches
do certify that the foregoing Deposition of Joseph Rachel

was taken before me and read to him in my presence at the time and place and in the action
mentioned in the Caption, the said Joseph Rachel

having been first duly sworn by me that the evidence he should give herein should be the truth,
the whole truth and nothing but the truth, and that his statement was reduced to writing
by me in his presence (or by him in my presence) the applicant not being present at the
examination

to one being present

(NOTE: Here fill in which of the parties were present at the examination and the manner in which they were present,
whether in person or by attorney.)

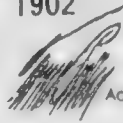
Given under my hand and seal of office on this the 29 day of July A. D. 1902

Peter J. Gibson
Notary Public
(Official Character.)

(Affix seal here.)

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

FILED
AUG 5 1902



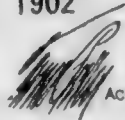
ACTING CHAIRMAN.

GA 56

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

FILED

AUG 5 1902



ACTING CHAIRMAN.



5128

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

Peter J. Gibson
Notary Public.
(Official Character.)

1902	COMMISSION TO THE FIVE CIVILIZED TRIBES,	AUG 5 1902
------	--	------------

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

NATL. DEPT. OF THE INTERIOR.
AUG 5 1902
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

Civil

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

-----oOo-----

In the matter of the application of King Brandy for identification as a Mississippi Choctaw, M C R 5128.

-----: 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 April 10, 1902, by King Brandy, 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.

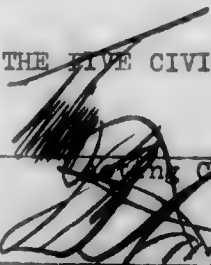
Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

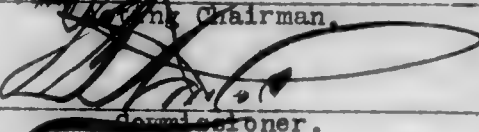
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants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

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

Muskogee, Indian Territory, February 21, 1903.

COPY.

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 King Brandy, 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 King Brandy as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

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

Respectfully,

SIGNED

Tame Baker
Chairman.

Registered.
Eno. M.C.R. 5138

COPY.

M.C.R. 5128

Muskogee, Indian Territory, March 11, 1903.

King Brandy,

Boyce, Louisiana.

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,

Yours,

Tamc Dixby,
Chairman.

Registered.

Enc. 5128

Muskogee, Indian Territory, June 3, 1902.

Searborough & Carver,

Attorneys at Law,

Natchitoches, Louisiana.

Gentlemen:-

The Commission is in receipt of your communication of May 30th, 1902, enclosing affidavit of D. C. Searborough setting forth the fact that he is the counsel for King Brandy and others, who are applicants for identification as Mississippi Choctaws before the Commission to the Five Civilized Tribes, and that he desires to have the depositions of certain witnesses taken in said applications, and asks that a commission be issued to one Peter J. Gibson, a Notary Public, for the taking of said depositions. This affidavit is returned to you for the reason that same is not in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules is herewith enclosed you, and your attention is specially called to Sections B, C, D and E of Rule 2 and to Rules 12 and 13. As will be seen from Section B, Rule 2, the applicant must make an affidavit setting forth one or more reasons for desiring to take the deposition

Scarborough & Carver-----2

and that the testimony of the witnesses whose depositions he desires to have taken is material to his claim, and must briefly set forth the material points that he desires to prove by said witnesses, and he must set forth the full name and address of each witness whose deposition he desires to have taken. Sections C and E of Rule 2 require that he file with the Commission (before a commission can issue) the interrogatories which he desires to have propounded to his witnesses and must serve a copy of said interrogatories upon the attorneys for the Choctaw and Chickasaw Nations. Rule 13 provides that proof of service on the attorneys for the Choctaw and Chickasaw Nations must be made to the Commission, either by written acknowledgment of the attorneys or by the affidavit of the party making the service.

You are informed that Messrs. Mansfield, McMurray and Cornish, Attorneys at Law, South McAlester, Indian Territory, are the attorneys for the Choctaw and Chickasaw Nations, and it is suggested that you send a copy of the interrogatories desired to be propounded to your witnesses, to the United States Marshal for the Central District, Indian Territory, at South McAlester, and have him make the service.

A commission for the taking of depositions can only be issued when the enclosed rules are strictly complied with.

Yours truly,

Enc. G.H. 5
Rules and Regulations

Acting Chairman

Okmulgee, Indian Territory, June 10, 1902.

Scarborough & Carver,
Attorneys at Law,
Natchitoches, La.

Gentlemen:-

The Commission is in receipt of your communication of the 6th inst. enclosing the affidavit of Daniel C. Scarborough, wherein it is set forth that affiant is counsel for certain applicants for identification as Mississippi Choctaws before the Commission to the Five Civilized Tribes, and that it is desired that the depositions of certain witnesses be taken in the said applications.

In answer to your request that the Commission suggest to you the method to be pursued in obtaining a commission to take depositions, you are informed that sections B, C, D, and E of Rule 2 and Rules 12 and 13 of the Rules and Regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, provide for the only method in which a commission to take depositions can be obtained. From an examination of said rules, a copy of which is herewith enclosed you, you will note that Rule 2 provides that the applicant desiring depositions taken must file with the Commission his affidavit, setting forth the names and post-office addresses of the witnesses whose depositions he desires to have taken, must

Scarborough & Carver-----2

specify therein the evidence to be adduced in the taking of such depositions, and also make the statement that the testimony of said witnesses is material to his claim. He must accompany said depositions with interrogatories which he desires to have propounded to his witnesses, and he must at the same time, show proof of service of a copy of said interrogatories on the attorneys for the Choctaw and Chickasaw Nations.

Since you have requested that we suggest the manner in which you should proceed in this matter, we would advise you to have the applicant make an affidavit setting forth the facts as provided for in Rule 2 and that you draw up a set of interrogatories which you desire to have propounded to your witnesses, making them in duplicate; that you forward them to the United States Marshal for the Central District, Indian Territory, with instructions to serve one copy on a member of the firm of Mansfield, McMurray & Cernish, who are the attorneys for the Choctaw and Chickasaw Nations, and that he return the other copy to you with proof of service of the other copy thereto attached, and that you then forward same with the affidavit of the applicant, to this Commission, and after the required time has elapsed after the receipt of same by the Commission, for the filing of cross interrogatories by the Choctaw and Chickasaw attorneys, a commission will be issued for the taking of these depositions and forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

It is suggested that you attend to this matter at once,

Hearbrough & Harvey

in order that these cases may be brought to an early termination
and knowledge. The affidavit of Daniel U. Hearbrough is herewith
returned to you.

Yours truly,

Acting Chairman

Enclosure
G.H. 97

Rules and Regulations

RECEIVED
FEB 21 1954
U.S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

Miss. Choctaw R5125

Muskogee, Indian Territory, June 14, 1902.

D. G. Scarborough,

Attorney at Law,

Natchitoches, Louisiana,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 11, asking for the return of the affidavit sent in by you for the purpose of obtaining a commission to take depositions in the cases of King Brandy, et al. in order to correct a mistake made therein, and you are advised that on June 10, 1902, the same was returned to you with full instructions as to procedure.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, July 7, 1908.

Scarborough & Carver,

Attorneys at Law,

Wahhitechee, La.

Gentlemen:-

The Commission is in receipt of your communication of the 30th ult., wherein you analyze the affidavit of D. C. Scarborough setting forth the reasons for desiring to have the depositions of certain witnesses taken, in support of the applications made by King Brandy and others for identification as Mississippi Choctaws before the Commission to the Five Civilized Tribes; also the direct interrogatories to be propounded to said witnesses and proof of service of copies 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 the case of King Brandy, et al., and when the required time has elapsed for the filing of cross interrogatories by the Choctaw and Chickasaw Nations, a commission will be issued authorizing the taking of said depositions and will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Yours truly,

Acting Chairman

M.C.R. 6128

Muskogee, Indian Territory, July 21, 1902.

Sparborough & Carver,
Attorneys at Law,
Wachitoches, La.

Gentlemen:-

Enclosed please find a commission to take the deposition of John S. Calvert upon direct and cross interrogatories thereto attached, to be read in evidence in the application of King Brady, et al., for identification as Mississippi Choctaws. 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. 88

M.C.R. 5128

Muskogee, Indian Territory, July 21, 1902.

Scarborough & Carver,
Attorneys At Law,
Natchitoches, La.

Gentlemen:-

Enclosed please find a commission to take the deposition of Joseph Bachal upon direct and cross interrogatories thereto attached, to be read in evidence in the application of King Brandy, et al., for identification as Mississippi Choctaws. 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

(COPY).

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

-: W A S H I N G T O N :- November 18, 1903.

Land.
73606- 1903.

THE HONORABLE,
THE SECRETARY OF THE INTERIOR.

Sir:-

Referring to Departmental letter dated October 13, 1903, (I.T.D. 8519), transmitting to the Commission to the Five Civilized Tribes, for immediate report and recommendation, a communication addressed to the Secretary on September 23 last by Messrs. Scarborough and Carver, of Natchitoches, Louisiana, enclosing copies of certain communications relative to the Mississippi Choctaw case of King Brandy, et al., and urging that the six months allowed identified Mississippi Choctaws in which to remove to the Choctaw-Chickasaw country should begin to run from the date the attorneys are notified, I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated November 5, 1903, returning said letter.

Messrs. Scarborough and Carver, with their letter of September 23, enclose what purports to be a copy of a circular letter sent to people in Mississippi alleged to have been identified as Mississippi Choctaws. This letter seems to have been sent out June 2, 1903, by Winton and Owen. They also enclose a copy of

the Commission's letter of September 2, 1902, to D.C. Scarborough; copy of the Commission's letter of September 2, 1903, to Scarborough and Carver; copy of Scarborough and Carver's letter of September 9, 1903, to the Commission; and copy of the Commission's letter of September 19 last to them. Messrs. Scarborough and Carver in their letter of September 23 say that in the spring of 1902 they took up the case of two sets of clients living in their parish; that they had known these people for the last twenty-five years; that the Wallett family, a family of mixed blood Indians, were refused identification by this Commission; that the King Brandy family have lived in the vicinity referred to for forty years; and that they are full blood Mississippi Choctaw Indians. They say they took charge of this case well knowing that any agreement with them that they might enter into concerning their compensation would be utterly null and void and of no effect in law; that they took charge of the case partly through sympathy and partly with the hope that these parties would some day compensate them for their trouble and the money expended in their behalf; that the King Brandy case was submitted a short time after the Wallett case, which was decided by the Commission December 2, 1902; that not hearing from the decision in the Brandy case and wanting to know when a decision might be expected they wrote the Commission August 29, 1903 asking "when we might expect a decision in the King Brandy consolidated cases No. 5127 to No. 5134 and received in answer thereto letter marked "A" exhibit hereto annexed find a copy". The Commission quotes from Messrs. Scarborough and Carver's letter at considerable length. The substance of their letter is that they were

not notified of the Commission's decision; that the persons referred to are not able to speak the English language and that, of course, they cannot read or write the same; and that they, as the attorneys for these applicants, were not notified of the Commission's decision. They ask that the applicants be not deprived of their right to share in the distribution of the Choctaw estate. The Commission says that apparently the questions upon which the Department desires a report and recommendation are, as follows:

1st. Whether or not the six months within which identified Mississippi Choctaws have to remove to and make settlement within the Choctaw- Chickasaw country begins to run from the date of their identification by the Commission to the Five Civilized Tribes, the date of the approval of the action of the Commission by the Secretary of the Interior, or the date of notice to the attorneys for the applicants.

2nd. By what authority was the letter of Messrs. Winton and Owen, of June 2, 1903, marked exhibit "C", issued and forwarded to the clients of Messrs. Scarborough and Carver.

3rd. Why Messrs. Scarborough and Carver were not advised of and furnished with a copy of the decision identifying King Brandy, et al., as Mississippi Choctaws, similar to the notice of September 2, 1902, advising them of the unfavorable decision in the matter of the application of Rozetta Walette, et al.

The first proposition, the Commission says, was disposed of by the Assistant Attorney General in his opinion of January 23 last, (I.T.D. 7026), wherein it was stated:

I am of the opinion and so advise you that the period of six months allowed for making bona fide settlement within the Choctaw-Chickasaw country by persons duly identified as Mississippi Choctaws, begins to run from the date of their identification by the Commission to the Five Civilized Tribes.

With reference to the second question, being the letter of Winton and Owen, the Commission says it has no knowledge of such

letter; that it was issued without the knowledge or sanction of the Commission and that it did not emanate from it .

The proceedings relative to the Wallett case are then mentioned, but as these people have been refused identification and the decision of the Commission has been affirmed by the Department, and as it does not appear that Messrs. Scarborough and Carver made any complaint concerning this case, it is unnecessary to discuss it. The Commission further says that on April 10, 1902, D.C. Scarborough, of Natchitoches, Louisiana, presented a number of full blood Choctaws as applicants for identification as Mississippi Choctaws; that on said date the Commission heard and made a full record in the matter of the application for identification of the following named persons:

King Brandy,
Joe Baptieste,
William Cole,

Mary Baptieste and her two
minor children, Sam and Louisa
Baptieste.
Celestine Brandy.

It is stated that the applicants above-named were unable to speak the English language; that their examination was conducted through an interpreter, Mr. Alinton Telle, a citizen by blood of the Choctaw Nation; and that at the time Mr. Scarborough, in each of the above-named cases, asked for a reasonable time within which to procure and introduce

"the evidence of John S. Calvert and Joseph Rossell, of the parish of Natchitoches, state of Louisiana; such evidence to be used in the application of King Brandy and various other Mississippi Choctaws applying for identification on April 10, 1902, all of whom are related and constitute what might be designated as the Natchitoches tribe of Mississippi Choctaws residing in the extreme lower limits of the parish of Natchitoches, Louisiana.

This request was granted and commissions were issued for

the taking of the depositions of John S. Calvert and Joseph Roeschell, which were filed with the Commission by Mr. Scarborough on August 5, 1902. No action, the Commission says, was taken in any of the cases mentioned until February 14, 1903, when, under the provisions of section 41 of the Choctaw-Chickasaw supplemental agreement, the applicants were identified as full blood Mississippi Choctaws; that copies of the decision identifying the applicants were forwarded to the attorneys for the Choctaw and Chickasaw Nations February 21, 1903, who were advised that they would be allowed fifteen days from that date within which to file such protest as they might desire to make against the action of the Commission in identifying the applicants; that no protests were filed by the Nation within the prescribed time; and that on March 11, 1903, each of the principal applicants was furnished with a copy of the decision of February 14, 1903, and advised as follows:

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.

The Commission says that Messrs. Scarborough and Carver were never furnished with a copy of this decision nor have they been advised of the action of the Commission in identifying the applicants as Mississippi Choctaws; that prior to the time the Commission notified the applicants of its decision the Commission was furnished with a copy of the Indian Appropriation

Act approved March 3, 1903, (32 Stats. 982), which appropriated \$20,000.00 or so much thereof as might be necessary for the purpose of aiding indigent identified full blood Mississippi Choctaws to remove to the Indian Territory; that before the approval of this act the Commission had been overwhelmed with requests from attorneys and agents for lists of persons identified by the Commission as full blood Choctaws; that these requests were so numerous and as it appeared that persons making them sought the information with the purpose of taking advantage of the illiteracy of the persons so identified, it was decided, for the protection of the full blood Choctaw Indians, to withhold the notifications to such persons "as appeared of record as their attorneys or agents until such time as provision was made by the Secretary of the Interior for the expenditure of the twenty thousand dollars appropriated by the act of March 3, 1903; that on March 10, 1903, the Commission submitted for Departmental consideration a schedule of identified Mississippi Choctaws, numbered 7 to 1012 inclusive, which included the following:

No. 424 King Brandy,
789 William Cole,
882 Sam Baptieste,
886 Celestine Brandy,

No. 428 Joe Baptieste,
881 Mary Baptieste,
883 Louisa Baptieste,

This schedule was approved by the Department April 7, 1903, and on June 1, 1903, the Commission made a report relative to the removal of full blood identified Mississippi Choctaws from their homes in Mississippi to the Indian Territory. The Commission recommended

"that no recognition in the proceedings should be given to attorneys or agents, but that they who are to receive

the benefits of this legislation should be dealt with directly so that there will be but two parties to the transaction, namely the Indian and the government."

July 2, 1903, (I.T.D. 4630-5288), the Department approved the Commission's recommendation and authorized the Commission to detail one of its employees to assist the full blood identified Mississippi Choctaws in removing to the Indian Territory, the money to be expended "by the Special Disbursing Agent of the Commission under the direction of the Commission." The Commission says that on July 23, 1903, H. Van V. Smith, Special Disbursing Agent of the Commission, was delegated a special agent of the government in the expenditure of this \$20,000.00 ; that he was directed to proceed to the State of Mississippi for the purpose of carrying out the provisions of the Act of March 3, 1903; that he was furnished with a list of all persons identified by the Commission to the Five Civilized Tribes as Mississippi Choctaws, showing date of their identification and the place of residence; that he immediately proceeded to Meridian, Mississippi, where on July 27, 1903, the following circular letter was issued and mailed to all persons identified by the Commission as Mississippi Choctaws, on February 14, 1903;

SPECIAL NOTICE TO FULL BLOOD MISSISSIPPI CHOCTAWS.

Under instructions from the Secretary of the Interior, through the Dawes Commission, I have been charged with the expenditure of the \$20,000.00 appropriated by Congress to

aid indigent full blood Mississippi Choctaws who have been identified as full blood Mississippi Choctaws by the Commission, and who desire to remove to the Indian Territory within the six months after the date of their identification as provided by law.

I have lists of all identified full blood Mississippi Choctaws. With many of them the six months will soon be passed.

Those identified full blood Mississippi Choctaws who wish to go to the Indian Territory are requested to call upon me or write to me immediately at Meridian, Mississippi, and I will at once investigate their condition and provide free transportation and free rations as their status and circumstances may justify and require.

Prompt action is necessary for those whose six months limit has nearly expired, and it is desirable for all who wish to avail themselves of this effort of the Government's to assist them in getting their Indian rights.

None but identified full blood Mississippi Choctaws are included in this notice.

Meridian, Mississippi, July 27, 1903.

H. Van V. Smith,

Special Agent of the United
States Government.

Address: Federal Building, Meridian, Mississippi.

It is stated that a copy of this circular was mailed at Meridian, Mississippi, on July 27, 1903, to Joe Baptiste, at Flatwood, Louisiana, and to William Cole, Celestine Brandy, Mary Baptiste and King Brandy, at Boyce, Louisiana; that on the same date Mr. Smith directed communication to the postmasters at Flatwood and Boyce, Louisiana, advising them of the mailing of the letters to the persons named and enclosing a copy of said circular letter. It appears that the concluding part of the letters to the postmasters are as follows:

If for any reason any of the above named persons do not receive mail at your postoffice, I will appreciate it if you will promptly advise me of this fact and of any changes in their post office addresses of which you are cognizant. Please post the enclosed notice conspicuously.

The Commission says there is no doubt but that its decision of February 14, 1903, reached all of the persons to the King Brandy

case, for the reason that the Commission is in possession of return registry receipts that the circular letter of the special agent of the government dated July 27, 1903, was delivered, or the Commission would have been otherwise advised by the post masters at Flatwood and Boyce, Louisiana, and attention is invited to the fact that Messrs. Scarborough and Carver, in the letter of September 23 last did not advise the Department of the receipt by ^{the} persons to this case of the Commission's decision of February 14, 1903, and the Special Disbursing Agent's circular of July 27, 1903, and that they lay special stress upon the receipt of the circular letter issued by Winton and Owen, of which the Commission has no knowledge. The Commission concludes its report as follows:

In conclusion I desire to express the opinion that all of the persons identified as Mississippi Choctaws by the decisions of February 14, 1903, have been furnished all the notice contemplated by law of both the action of the Commission and the provisions made for their removal to the Choctaw-Chickasaw country by the special agent of the government.

The Commission seems to have proceeded on the theory that the Department by approving its recommendation of June 3, 1903, desired that attorneys representing full blood Mississippi Choctaws be not advised of the Commission's decision. The office does not understand that this was the Department's intention. The removal of the Mississippi Choctaws had nothing what^{ever} _^ to do with the notifying them and their attorneys of the different steps taken by the Commission with reference to the applications of the parties. The Commission should have unquestionably notified Messrs. Scarborough and Carver of its decision identifying the parties to the King Brandy case. It is shown that the parties were identified on February 14,

1903, and that advice of such identification was not mailed to them until March 11, 1903. Almost a month of the time in which they are required to remove had elapsed before the Commission mailed them notice of their identification. It is believed by this office that the Commission should have notified them on Feby. 14, 1903, -- the date the decision was rendered, or at least the next day, of its action. The attorneys for the Choctaw and Chickasaw Nations were unquestionably entitled to notice of the Commission's action in this case, but the Commission should not have permitted the time within which the nation would have been allowed to protest to have run on the time within which the applications were required to remove. It appears to this office that when the Commission found these applicants were entitled to identification as Mississippi Choctaws the attorneys for the nations should have been advised that they would be allowed a stated time within which to protest against such proposed action of the Commission, and the decision should not have been rendered until after the time allowed the attorneys to file a protest had expired. If this had been done these identified applicants would have had six months in which to remove from their homes in Louisiana to the Indian Territory, as provided by the law, but under the method pursued by the Commission they had but a few days over five months in which to remove.

Inasmuch as it appears that the Commission permitted almost a month of the time allowed identified Mississippi Choctaws in which to remove to run before these applicants were notified and considering the fact that the Commission did not notify the

attorneys of record for these applicants of its decision, the office does not believe that these parties should be deprived of their rights if they have removed to the Indian Territory or if they remove to the Indian Territory within six months from the date upon which the Commission here after notifies them and their attorneys of their identification. They are full blood Indians unable to speak the English language and, of course, cannot read and write, and the fact that their attorneys did not call to the Department's attention that the applicants had in their possession the Commission's letter of March 11, 1903, does not militate against the rights of the applicants nor tend to approve of the manner in which the Commission handled the matter after rendering its decision of February 14, last. It is, therefore, respectfully recommended that the Commission be instructed to advise these applicants and their attorneys that under the circumstances they will be allowed six months from the date of the notice within to remove to and settle in the Indian Territory, and that the fact that they have not heretofore removed, if they have not removed, will not be permitted to prejudice their rights, it being believed by the office that the Commission's action ⁱⁿ withholding notice from the attorneys of the record for these parties is not such ^a full and complete identification of them as is required by law, the attorneys, as hereinbefore stated, being entitled to notice of each and every action of the Commission pertaining to the identification or rejection of the applicants.

Very respectfully,

G.A.V.
H.B.H.

Commissioner.

TP.
WHR.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D. C. 32949-1903.
ITB. 8259-1903.
L. R. S.

November 24, 1903.

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

Gentlemen:

It appears from your report of November 5, 1903, relative to the Mississippi Choctaw case of King Brandy, et al., that on November 10, 1903, D. C. Scarborough, of Natchitoches, Louisiana, presented to your Commission certain full blood Choctaws living in Louisiana, as applicants for identification as Mississippi Choctaws, viz: King Brandy, Joe Baptieste, William Cole, Mary Baptieste and her two minor children, Sam and Louisa Baptieste, and Celestine Brandy.

These applicants, you report, were unable to speak the English language (and of course could not read or write such language) and their examination was conducted through an interpreter. You did not finally act on the case mentioned until February 14, 1905, when under the provisions of section 41 of the Choctaw-Chickasaw supplemental agreement contained in the act of July 1, 1902, (32 Stats. 641), the applicants were identified as full blood Mississippi Choctaws.

Copies, it appears, of your decision were forwarded to the attorneys for the Choctaw and Chickasaw nations Febre-

ary 21, 1903, and they were advised that they would be allowed fifteen days from that date within which to file such protests as they might desire against the action of your Commission. No protests it seems were filed by the said attorneys within the prescribed time.

On March 11, 1903, you report, each of the principal applicants was mailed a copy of the decision of February 14, 1903, and as the Department approved, January 28, 1903, an opinion of the Assistant Attorney-General, in which it was stated that the period of six months allowed for making bona fide settlement within the Choctaw-Chickasaw country, Indian Territory, as provided in the act of July, 1, 1902, by persons duly identified as Mississippi Choctaws, begins to run from the date of their identification by your Commission, you advised each of them that if they removed to the Choctaw-Chickasaw country before August 14, 1903, they would have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement.

You do not claim that the applicants were not at that time represented by attorneys. These attorneys, Messrs. Hearborough & Garver, of Natchitoches, La., were never furnished with a copy of your decision, and you state, "nor have they been advised of the action of the Commission in identifying the applicants as Mississippi Choctaws."

You report that prior to the time you notified the

applicants of your decision you had been furnished a copy of the act of March 3, 1903, (32 Stats, 922), which made an appropriation of \$20,000.00 for the purpose of aiding indigent identified full blood Mississippi Choctaws to remove to the Indian Territory, and you state that before the approval of this act your Commission had been overwhelmed with requests from attorneys and agents for lists of persons identified by your Commission as Mississippi Choctaws; that these requests were so numerous, and as apparently the information was only sought with the purpose and idea of taking advantage of the illiteracy of the persons thus identified, it was decided, for the protection of the full blood Choctaw Indians, to withhold the notification to such persons as appeared of record as their attorneys or agents until such time as provision was made by the Department for the expenditure of the money appropriated by said act of March 3, 1903.

On March 10, 1903, you submitted to the Department a schedule of identified Mississippi Choctaws which included the claimants above mentioned, which schedule was approved by the Department on April 7, 1903.

While it is true that on July 2, 1903, the Department approved, as you state, your report of June 1, 1903, relative to the removal of full blood Mississippi Choctaws from their homes in Mississippi to the Indian Territory, in which it was recommended that no recognition in the proceedings relative to

such removal should be given to attorneys or agents, but that they who were to receive the benefits of the legislation mentioned should be dealt with directly so that there would be but two parties to the transaction, the Indian and the Government, it was not, of course, contemplated that attorneys representing applicants should not be advised of any action by your Commission affecting their claims to identification, or particularly of your decision identifying them as Mississippi Choctaws.

You inform the Department, though apparently it has no material bearing upon the question of the rights of the applicants, that the special agent of the Government in the expenditure of said \$20,000.00, issued a circular, which you quote, "To full blood Mississippi Choctaws," requesting, among other things, those identified full blood Mississippi Choctaws who wished to go to the Indian Territory to call upon or write to him immediately, and they were informed that he would investigate their condition and provide free transportation and free rations as their status and circumstances justified and required.

It seems that a copy of this circular was mailed at Meridian, Mississippi, on July 27, 1903, to Joe Baptiste, at Flatwood, Louisiana, and to William Cole, Celestine Brandy, Mary Baptiste and King Brandy, at Boyce, Louisiana.

There appears, you state, no doubt that notice of your decision of February 14, 1903, reached all the applicants as you have in your possession return registry receipts therefor.

You express the opinion that all of the persons identified as Mississippi Choctaws by the decision of February 14, 1903, have been furnished all the notice contemplated by law, of both the action of your Commission and of the provisions made for their removal to the Choctaw-Chickasaw country by the special agent of the government.

Considering the circumstances in this case, especially the fact that the parties relied upon their attorneys, being ignorant of the English language, said circular letter of July 27, 1903, was of as little service to them as the notice of March 11, 1903. The material question is whether your letters of March 11, 1903, to the applicants advising them of your decision identifying them as Mississippi Choctaws, was a sufficient notice, in view of the fact that they were represented by attorneys who did not receive proper notice.

Reporting in the matter November 18, 1903, the Commissioner of Indian Affairs states that unquestionably your Commission should have properly notified Messrs. Scarborough & Garver of your decision identifying said applicants; that at best the advice to the applicants of their identification was not mailed to them until almost a month after the identification, which, if time had begun to run from the date of your decision identifying them, only gave them about five months within which to remove,

While there can be no question that all parties in in-

terest in any case should be advised of any action affecting their interests with as little delay as possible, the Department does not agree with the Commissioner in certain views expressed as to notice in such cases. It does agree with his conclusions that these Indians should not be deprived of their rights if they have removed to the Indian Territory, or if they ^{there} Remove within six months from the date your Commission hereafter notifies them of their identification.

You are, therefore, directed to give said attorneys, Messrs. Scarborough & Garver, notice, by registered letter or personally, in accordance herewith.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, December 19, 1903.

Scarborough & Carver,

Attorneys at Law,

Natchitoches, Louisiana,

Gentlemen:

There is inclosed you herewith copy of Departmental letter of November 24, 1903, (I.T.D. 8252-1903), relative to the Mississippi Choctaw case of King Brandy, et al.

Respectfully,

Chairman.

AB 3-19

M C R 5128

Muskogee, Indian Territory, June 4, 1906.

Albert J. Lee,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Replying to your letter of the 26th ultimo, addressed to the Chief Clerk of the Choctaw Land Office, Atoka, Indian Territory, you are informed that no proof of removal and settlement has ever been accepted by or on behalf of the King Brandy tribe of Mississippi Choctaws, neither have any lands been designated and set apart to them.

January 18, 1904, the attorneys for the Choctaw and Chickasaw Nations secured an order from the Judge of the United States Court for the Western District, Indian Territory, restraining the Commission to the Five Civilized Tribes from enrolling King Brandy, Joe Baptieste, William Cole, Mary Baptieste and her two minor children, Sam and Louisa Baptieste and Celestine Brandy as Mississippi Choctaws and from making to them an allotment of land. This injunction has not been dissolved.

Respectfully,

Commissioner.

D 804-1912
TCH-VR

Land-
Allotments
2690B-1912
J D O

Muskogee, Oklahoma, April 2, 1912.

Subject:
Mississippi Choctaw
enrollment claim of
King Brandy, et al.

The Honorable,

The Commissioner of Indian Affairs.

Sir:

I have the honor to acknowledge the receipt of Indian Office communication of March 28, 1912, transmitting therewith letter from Albert J. Lee, Attorney-at-Law, dated Washington, D. C., March 18th, relative to the application for identification as a Mississippi Choctaw of King Brandy, et al. You state that the records of your office concerning this enrollment claim are fragmentary and incomplete, and you request that, with the return of Mr. Lee's letter, there be forwarded a copy of the decision of this office in the case and also a copy of the action of the Department, if such is on file.

With reference to the above you are advised that it appears that on April 10, 1902, King Brandy appeared before the Commission to the Five Civilized Tribes at Muskogee, then Indian Territory, and made application for identification as a Mississippi Choctaw, and that on February 14, 1903, said Commission rendered its decision, holding that the applicant should be identified as a Mississippi Choctaw, of which action he was notified by registered

letter, addressed to him at Boyce, Louisiana, and that he would be allowed six months from that date, or to August 14, 1903, within which to remove to and make settlement in the Choctaw-Chickasaw country, and six months from that date within which to make proof of such removal and settlement.

On August 25, 1903, the Commission to the Five Civilized Tribes received a letter from King Brandy, dated Boyce, Louisiana, August 23, 1903, in which he stated that he desired to gather his crop before removing to the Indian Territory, and in reply to this letter he was advised under date of September 4, 1903, that, as he had failed to remove to the Choctaw-Chickasaw country within the six months from the date of his identification, under existing legislation, such rights as were guaranteed him by the decision of the Commission to the Five Civilized Tribes of February 14, 1903, had expired by limitation.

In compliance with your request, there is herewith enclosed copy of the decision of the Commission to the Five Civilized Tribes of February 14, 1903, holding that King Brandy should be identified as a Mississippi Choctaw Indian, a copy of which has been made and retained for the files of this office.

There are also herewith enclosed, for your consideration, copies of the following letters:

To Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, dated February 21, 1903, transmitting copy

of the decision of the Commission to the Five Civilized Tribes of February 14, 1903.

To King Brady, Boyce, Louisiana, dated March 11, 1903, transmitting copy of said decision.

To King Brady, Boyce, Louisiana, dated September 4, 1903, relative to expiration of his rights to identification as a Mississippi Choctaw.

To Scarborough & Carver, Attorneys-at-Law, Natchitoches, Louisiana, dated September 18, 1903, as attorneys for the applicant.

From the Acting Secretary of the Interior, dated October 13, 1903, requesting immediate report in the case.

To the Secretary of the Interior, dated November 5, 1903, reporting in the case.

From the Acting Secretary of the Interior, dated November 24, 1903, directing that an extension of time within which to remove to and establish their residence in the Choctaw-Chickasaw country be given applicants.

To the Secretary of the Interior from the Commissioner of Indian Affairs, dated November 18, 1903, reporting in the case.

To Mansfield, McMurray & Cornish, dated December 23, 1903, advising relative to extension of time for removal.

To Scarborough & Carver, dated December 23, 1903, advising relative to extension of time for removal.

To King Brandy, dated December 23, 1903, advising relative to extension of time for removal.

Inasmuch as the papers transmitted herewith are rather voluminous, copies thereof have not been made and retained for the files of this office, and, when same have served your purpose, please return them.

The letter of _____

Respectfully,

(VR 2-4)

For Identification as a Mississippi Choctaw.

Date APR 11 1932

Name *Wing Brandy*

Age *80* - Blood *full.*

Post Office, *Boyce, La.*

Father: *Bob Brandy, d*

Mother: *— — d*

Claims through *both parents -*

~~Children:~~

*Claims for self
alone -*

Stenographer *G. Rasmussen -*

Choctaw MCR 5129

Mary Baptiste

MCR 5129

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Mary Baptieste, et
al., for identification as Mississippi Choctaws, M.C.R. 5129.

-----o-----

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Mary Baptieste, et al., for identification as Mississippi Choctaws, M.C.R. 5129.

--: I N D E X :--

	(Page)
Original application of Mary Baptieste, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Testimony of A. Telle taken at Muskogee, Ind. Ter. April 10, 1902.....	5
Decision of the Commission identifying above applicants...	7

-----o-----

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T., April 10, 1902.

5129

In the matter of the application of Mary Baptieste for the identification of herself and her two minor children, Sam and Louisa Baptieste, as Mississippi Choctaws.

D.C. Scarborough appearing as att'y for applicant.

Mary Baptieste being duly sworn testified as follows:

Examination by the Commission:
(Through A. Telle, who having been sworn, acted as interpreter.)

- Q What is your name? A Mary Brandy; my husband's name is Baptieste
Q Is not your name Mary Baptieste? And don't she take her husband's name? A Yes sir.
Q How old are you? A About twenty six years old.
Q What is your post office address? A Boyce.
Q Louisiana? A Yes sir.
Q Where were you born? A In the same locality.
Q Always lived in Louisiana-- all your life? A Born and raised right in the same locality.
Q When did you come from Louisiana to the Territory? A Day before yesterday they started.
Q Is your father living? A "Yes"--(and then points to him.)
Q What is his name? A King Brandy.
Q Is this King Brandy the same person who made application on this date April 10, to be identified as a Mississippi Choctaw? A yes sir.
Q Is your mother living? A No sir; shes dead.
Q What was her name? A I don't know.
Q Did King Brandy have a Choctaw Indian name? A If he has any I don't know.
Q Do you claim through both your father and mother? A Yes sir.
Q Do you claim to be full blood Choctaw Indian? A Yes sir.
Q Is your husband living? A No sir; he is dead.
Q Have you two children? A She has two; this one and another.
Q Your husband who is dead is the father of these two is he? A Yes sir.
Q Is he a full blood Choctaw Indian? A Yes sir.
Q What is his name? A Baptieste.
Q Is that the full name? A That's all he is known by.
Q Give me the name of your oldest child? A Sam Baptieste.
Q How old is Sam? A Eight years old.

- Q Give me the name of the next? A Louisa Baptiste.
- Q How old is Louisa? A Two years old.
- Q Is that all the children? A Yes sir.
- Q You claim for yourself and two children, do you? A Yes sir.
- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A They are not.
- Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
- Q Have you ever made application for yourself and oldest child Sam 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 yourself and oldest child for citizenship to the Dawes Commission under the act of Congress of June 10, 1896? A No sir; this is the first appearance.
- Q Have you or your children ever been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Do you want to be identified now with your children as Mississippi Choctaws? A Yes sir.
- Q Do you claim through article fourteen of the treaty of 1830? A (She is claiming under the treaty whether just the same article, she does not say.)
- Q Do you understand article fourteen of that treaty? A Yes sir; she has had it explained.

(Note: This applicant was present when this interpreter explained this article fully to all these applicants in the case of King Brandy in the Choctaw language.)

- Q That article is as follows:(interpreted)--

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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 the provisions of that article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your ancestor- your grandfather, through whom you claim your right to be identified as a Mississippi Choctaw? A I rely on the fact that my ancestors have always been full blood Choctaw.

- Q You claim through your father, King Brandy, do you? A Yes sir.
- Q His father's name was what? A I don't know.
- Q Did you hear your father give his testimony a while ago? A Yes sir.
- Q Did you hear him say his father's name was Bob Brandy? A Yes sir.
- Q Was Bob Brandy your grandfather? A Yes sir.
- Q You knew that Bob Brandy was your grandfather before you came here didn't you? A She says "I have heard it", but she says "I never saw him."
- Q What was Bob Brandy's wife's name? A I don't know.
- Q Did Bob Brandy live in the State of Mississippi in 1830-- 72 years ago? A She says she don't know.
- Q She don't know whether any of her Choctaw ancestors lived in Mississippi and were head of a family there then? A No sir.
- Q Did Bob Brandy have a Choctaw name? A I don't know.
- Q King Brandy is your father? A Yes sir.
- Q Do you want to have his testimony considered with yours in order that both may be considered by the Commission together? A Yes sir.
- Q Did any of your Choctaw ancestor's own any improvements on land in the old Choctaw nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go to the United States Indian agent 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 I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw ~~nation~~ Nation East of the Mississippi River to the Choctaw nation, Indian Territory, at any time after the treaty of 1830 was ratified? A I don't know.
- Q Did any of your Choctaw ancestors claim or own any land in Mississippi or Alabama in the old Choctaw nation under article fourteen of the treaty of 1830? A I don't know.
- Q

The Choctaw Indians who lived in the old Choctaw Nation East of the Mississippi River and stayed there after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory under the treaty 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 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 United States. A good many Choctaw Indians did this whose names Col. Ward neglected to put upon his list which is now known as Ward's Register and his neglect caused many Indians to have both improvements and land taken from them by the United States Government and sold at Public Land Sale; so many complaints were made on this account to the Government that in 1837 March 3, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen. In 1842 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 Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen of that treaty? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government of the United States which was issued under an act of Congress approved August 23, 1842, and which entitled the holder to select land in either Mississippi, Alabama, Arkansas or Louisiana, to take the place of the land which they claimed they had occupied in Mississippi and which the Government had taken from them and sold?

A I don't know.

Q Have you had any relatives who have appeared here for identification as Mississippi Choctaws except your father, King Brandy? Is he the only one? A Yes, he is the first one.

Q Have you any other evidence you want to introduce now at this time-- any papers or other evidence?

(Attorney for applicant says no, and asks for time for taking depositions. Reasonable time will be allowed, on motion of this attorney, Mr. Scarborough, in which to take depositions or other evidence in support of this application.)

Q Do you speak the English language at all- or do you speak anything but Choctaw? A I don't even understand the English language; I speak only the Choctaw language.

Q Is there anything you want to say, Mr. Scarborough, or ask any questions? A Not now.

This applicant is undoubtedly a full blood Choctaw Indian; she does not ~~even~~ understand the English language, speaking only the Choctaw language through her interpreter, Mr. Telle. She 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 proceedings had in the above entitled cause on April 10, 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 ^{May} 3rd day of April, 1902.

[Signature]

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, April 10, 1902.

TESTIMONY OF A. TELLE

IN the 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 Baptiste, et al.,	M.C.R. 5129
Celestine Brandy	M.C.R. 5130
William Cole,	M.C.R. 5131
Joe Baptiste	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, 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 his 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 200 years back of the original Choctaws.
Q Now, Telle, what is your knowledge of what significance of Amos having blue eyes, as being Indian or of not having pure blood? A I don't know as there is any indication in that. It may be a freak among the Indian tribes as you find among others, I have known Choctaws whose eyes, whose hair, they could be traced as far back as the Choctaw Nation knows, and as traces 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.

Q You don't know she 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 the above testimony on April 10, and that this is a full, true and correct transcript in same.

Henry G. Hains

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

Civil

-----o-----

In the matter of the application of Mary Baptieste, et al., for identification as Mississippi Choctaws, M.C.R. 5129.

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 Mary Baptieste for herself and her two minor children Sam and Louisa Baptieste 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."

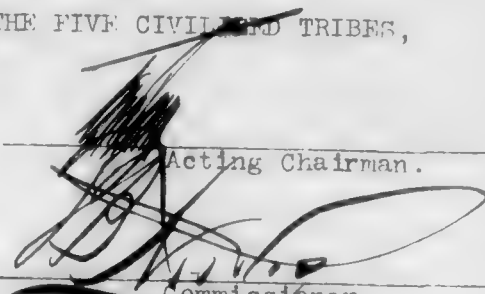
From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.


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:

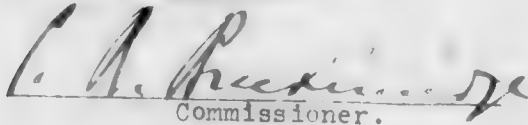
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants 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 Mary Baptieste, Sam Baptieste and Louisa Baptieste 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. 5129

Muskogee, Indian Territory, March 11, 1903

Mary Baptiste,

Boyce, Louisiana,

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 children Sam and Louisa Baptiste, 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)

James Bixby.
Chairman

Registered

Enclosure 5129

Land.
73606-1903.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, November 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter dated October 13, 1903, (I.T.D. 8519), transmitting to the Commission to the Five Civilized Tribes, for immediate report and recommendation, a communication addressed to the Secretary on September 23 last by Messrs. Scarborough and Carver, of Natchitoches, Louisiana, enclosing copies of certain communications relative to the Mississippi Choctaw case of King Brandy, et al., and urging that the six months allowed identified Mississippi Choctaws in which to remove to the Choctaw-Chickasaw country should begin to run from the date the attorneys are notified, I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated November 5, 1903, returning said letter.

Messrs. Scarborough and Carver, with their letter of September 23 encloses what purports to be a copy of a circular letter sent to people in Mississippi alleged to have been identified as Mississippi Choctaws. This letter seems to have been sent out June 2, 1903, by Winton and Owen. They also enclose a copy of the Commission's letter of September 2, 1902, to D.C. Scarborough; copy

of the Commission's letter of September 2, 1903, to Scarborough and Carver; copy of Scarborough and Carver's letter of September 9, 1903, to the Commission; and copy of the Commission's letter of September 19 last to them. Messrs. Scarborough and Carver in their letter of September 23 say that in the spring of 1902, they took up the case of two sets of clients living in their parish; that they had known these people for the last twenty-five years; that the Wallett family, a family of mixed blood Indians, was refused identification by the Commission; that the King Brandy^{family} have lived in the vicinity referred to for forty years; and that they are full blood Mississippi Choctaw Indians. They say they took charge of this case well knowing that any agreement with them that they might enter into concerning their compensation would be utterly null and void and of no effect in law; that they took charge of the case partly through sympathy and partly with the hope that these parties would some day compensate them for their trouble and the money expended in their behalf; that the King Brandy case was submitted a short time after the Wallett case, which was decided by the Commission December 2, 1902; that not hearing from the decision in the Brandy case and wanting to know when a decision might be expected they wrote the Commission August 29, 1903, asking "when we might expect a decision in the King Brandy consolidated case No. 5127 to No. 5134, and received in answer thereto letter marked "A" exhibit hereto annexed find a copy". The Commission quotes from Messrs. Scarborough and Carver's letter at considerable length. The substance of their let-

ter is that they were not notified of the Commission's decision; that the persons referred to are not able to speak the English language and that, of course, they cannot read or write the same; and that they, as the attorneys for these applicants, were not notified of the Commission's decision. They ask that the applicants be not deprived of their right to share in the distribution of the Choctaw estate. The Commission says that apparently the question upon which the Department desires a report and recommendation are, as follows:

1st. Whether or not the six months within which identified Mississippi Choctaws have to remove to and make settlement within the Choctaw-Chickasaw country begins to run from the date of their identification by the Commission to the Five Civilized Tribes, the date of the approval of the action of the Commission by the Secretary of the Interior, or the date of notice to the attorneys for the applicants.

2nd. By what authority was the letter of Messrs. Winton and Owen, of June 2, 1903, marked exhibit "C", issued and forwarded to the clients of Messrs. Scarborough and Carver.

3rd. Why Messrs. Scarborough and Carver were not advised of and furnished with a copy of the decision identifying King Brandy, et al., as Mississippi Choctaws, similar to the notice of September 8, 1902, advising them of the unfavorable decision in the matter of the application of Roselia Wallette, et al.,

The first proposition, the Commission says, was disposed of by the Assistant Attorney General in his opinion of January 23, last (I.T.D. 7026), wherein it was stated:

I am of the opinion and so advise you that the period of six months allowed for making bona fide settlement within the Choctaw-Chickasaw country by persons duly identified as Mississippi Choctaws, begins to run from the date of their identification by the Commission to the Five Civilized Tribes.

With reference to the second question, being the letter of Winton and Owen, the Commission says it has no knowledge of such letter; that it was issued without the knowledge or sanction of the Commission and that it did not emanate from it.

The proceedings relative to the Wallett case are then mentioned, but as these people have been refused identification and the decision of the Commission has been affirmed by the Department, and as it does not appear that Messrs. Scarborough and Carver made any complaint concerning this case, it is unnecessary to discuss it. The Commission further says that on April 10, 1902, D.C. Scarborough of Natchitoches, Louisiana, presented a number of full blood Choctaws as applicants for identification as Mississippi Choctaws; that on said date the Commission heard and made a full record in the matter of the application for identification of the following named persons:

- | | |
|------------------|---------------------------|
| King Brandy, | Mary Baptiste and her two |
| Joe Baptiste, | minor children, Sam and |
| William Cole, | Louisa Baptiste. |
| Caestine Brandy. | |

It is stated that the applicants above-named were unable to speak the English language; that their examination was conducted through an interpreter, Mr. Alinton Telle, a citizen by blood of the Choctaw Nation; and that at the time Mr. Scarborough, in each of the above-named cases, asked for a reasonable time within which to procure and introduce

"the evidence of John E. Calvert and Joseph Roeschall, of the parish of Natchitoches, state of Louisiana; such evidence to be used in the application of King Brandy and various other Mississippi Choctaws applying for identification on April 10, 1902, all of whom are related and

constitute what might be designated as the Natchiteches tribe of Mississippi Choctaws residing in the extreme lower limits of the parish of Natchiteches, Louisiana.

This request was granted and commissions were issued for the taking of the depositions of John S. Calvert and Joseph Reeschell, which were filed with the Commission by Mr. Scarborough on August 5, 1902. No action, the Commission says, was taken in any of the cases mentioned until February 14, 1903, when under the provisions of section 41 of the Choctaw-Chickasaw supplemental agreement, the applicants were identified as full blood Mississippi Choctaws; that copies of the decision so identifying the applicants were forwarded^{to} the attorneys for the Choctaw and Chickasaw Nations February 21, 1903, who were advised that they would be allowed fifteen days from that date within which to file such protests as they might desire to make against the action of the Commission in identifying the applicants; that no protests were filed by the Nation within the prescribed time; and that on March 11, 1903, each of the principal applicants was furnished with a copy of the decision of February 14, 1903, and advised as follows: .

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.

The Commission says that Messrs. Scarborough and Carver were never furnished with a copy of this decision "nor have they been advised of the action of the Commission in identifying the ap-

applicants as Mississippi Choctaws; that prior to the time the Commission notified the applicants of its decision the Commission was furnished with a copy of the Indian Appropriation Act approved March 3, 1903 (32 Stats., 982), which appropriated \$20,000.00 or so much thereof as might be necessary for the purpose of aiding indigent identified full blood Mississippi Choctaws to remove to the Indian Territory; that before the approval of this act the Commission had been overwhelmed with requests from attorneys and agents for lists of persons identified by the Commission as full blood Choctaws; that these requests were so numerous and as it appeared that the persons making them sought the information with the purpose of taking advantage of the illiteracy of the persons so identified, it was decided, for the protection of the full blood Choctaw Indians, to withhold the notifications to such persons as appeared of record as their attorneys or agents until such time as provision was made by the Secretary of the Interior for the expenditure of the twenty thousand dollars appropriated by the Act of March 3, 1903; that on March 10, 1903, the Commission submitted for Departmental consideration a schedule of identified Mississippi Choctaws, numbered 7 to 1012 inclusive, which included the following:

No. 424 King Brandy,
789 William Cole,
882 Sam Baptiste,
886 Celestine Brandy.

No. 428 Joe Baptiste,
881 Mary Baptiste,
883 Louisa Baptiste,

This schedule was approved by the Department April 7, 1903,

and on June 1, 1903, the Commission made a report relative to the removal of full blood identified Mississippi Choctaws from their homes in Mississippi to the Indian Territory. The Commission recommended

"That no recognition in the proceedings should be given to attorneys or agents, but that they who are to receive the benefits of this legislation should be dealt with directly so that there will be but two parties to the transaction, namely, the Indian and the Government."

July 2, 1903, (I.T.D. 4630-5283), the Department approved the Commission's recommendation and authorized the Commission to detail one of its employees to assist the full blood identified Mississippi Choctaws in removing to the Indian Territory, the money to be expended "by the Special Disbursing Agent of the Commission under the direction of the Commission." The Commission says that on July 23, 1903, H. Van V. Smith, Special Disbursing Agent of the Commission, was delegated a special agent of the government in the expenditure of this \$20,000.00; that he was directed to proceed to the State of Mississippi for the purpose of carrying out the provisions of the Act of March 3, 1903; that he was furnished with a list of all persons identified by the Commission to the Five Civilized Tribes as Mississippi Choctaws, showing date of their identification and the place of residence; that he immediately proceeded to Meridian, Mississippi, where on July 27, 1903, the following circular letter was issued and mailed to all persons

identified by the Commission as Mississippi Choctaws, on February 14, 1903:

SPECIAL NOTICE TO FULL BLOOD MISSISSIPPI CHOCTAWS.

Under instructions from the Secretary of the Interior, through the Dawes Commission, I have been charged with the expenditure of the \$20,000.00 appropriated by Congress to aid indigent full blood Mississippi Choctaws who have been identified as full blood Mississippi Choctaws by the Commission, and who desire to remove to the Indian Territory within the six months after the date of their identification as provided by law.

I have a list of all identified full blood Mississippi Choctaws. With many of them the six months will soon be passed.

Those identified full blood Mississippi Choctaws who wish to go to the Indian Territory are requested to call upon me or write to me immediately at Meridian, Mississippi and I will at once investigate their condition and provide free transportation and free rations as their status and circumstances may justify and require.

Prompt action is necessary for those whose six months limit has nearly expired, and it is desirable for all who wish to avail themselves of this effort of the Government's to assist them in getting their Indian rights.

None but identified full blood Mississippi Choctaws are included in this notice.

Meridian, Mississippi, July 27, 1903.

W. Van V. Smith,

Special Agent of the United States Government.

Address: Federal Building, Meridian, Mississippi.

It is stated that a copy of this circular was mailed at Meridian, Mississippi, on July 27, 1903, to Joe Baptieste, at Flatwood, Louisiana, and to William Cole, Celestine Brandy, Mary Baptieste and King Brandy, at Boyce, Louisiana; that on the same date Mr. Smith directed communications to the postmasters at Flatwood and Boyce, Louisiana, advising them of the mailing of the letters

to the persons named and enclosing a copy of said circular letter. It appears that the concluding part of the letters to the postmasters are as follows:

If for any reason any of the above named persons do not receive mail at your postoffice, I will appreciate it if you will promptly advise me of this fact and of any change in their postoffice addresses of which you are cognizant. Please post the enclosed notice conspicuously.

The Commission says there is no doubt but that its decision of February 14, 1903, reached all of the persons to the King Brandy case, for the reason that the Commission is in possession of return registry receipts that the circular letter of the Special agent of the government dated July 27, 1903, was delivered or the Commission would have been otherwise advised by the post masters at Flatwood and Boyce, Louisiana, and attention is invited to the fact that Messrs. Scarberough and Carver, in their letter of September 23 last, did not advise the Department of the receipt by the persons to this case of the Commission's decision of February 14, 1903, and the Special Disbursing Agent's circular of July 27, 1903, and that they lay special stress upon the receipt of the circular letter issued by Winton and Owan, of which the Commission has no knowledge. The Commission concluded its report as follows:

In conclusion I desire to express the opinion that all of the persons identified as Mississippi Choctaws by the decisions of February 14, 1903, have been furnished all the notice contemplated by law of both the action of the Commission and the provisions made for their removal to the Choctaw-Chickasaw country by the special agent of the Government.

The Commission seems to have proceeded on the theory that the Department by approving its recommendation of June 3, 1903, desired that attorneys representing full blood Mississippi Choctaws be not advised of the Commission's decision. The office does not understand that this was the Department's intention. The removal of the Mississippi Choctaws had nothing whatsoever to do with notifying them and their attorneys of the different steps taken by the Commission with reference to the applications of the parties. The Commission should have unquestionably notified Messrs. Scarborough and Garver of its decision identifying the parties to the King Brandy case.

It is shown that the parties were identified on February 14, 1903, and that advice of such identification was not mailed to them until March 11, 1903. Almost a month of the time in which they are required to remove had elapsed before the Commission mailed them notice of their identification. It is believed by this office that the Commission should have notified them on Feby. 14, 1903 -- the date the decision was rendered, or at least the next day, of its action. The attorneys for the Choctaw and Chickasaw Nations were unquestionably entitled to notice of the Commission's action in this case, but the Commission should not have permitted the time within which the nation would have been allowed to protest to have run on the time within which the applicants were required to remove. It appears to this office that when the Commission found these appli-

cants were entitled to identification as Mississippi Choctaws the attorneys for the nations should have been advised that they would be allowed a stated time within which to protest against such proposed action of the Commission, and the decision should not have been rendered until after the time allowed the attorneys to file a protest had expired. If this had been done these identified applicants would have had six months in which to remove from their homes in Louisiana to the Indian Territory, as provided by the law, but under the method pursued by the Commission they had but a few days over the five months in which to remove.

Inasmuch as it appears that the Commission permitted almost a month of the time allowed identified Mississippi Choctaws in which to remove to run before these applicants were notified and considering the fact that the Commission did not notify the attorneys of record for these applicants of its decision, the office does not believe that these parties should be deprived of their rights if they have removed to the Indian Territory or if they remove to the Indian Territory within six months from the date upon which the Commission hereafter notifies them and their attorneys of their identification. They are full blood Indians, unable to speak the English language and, of course, cannot read and write, and the fact that their attorneys did not call to the Department's attention that the applicants had in their possession the Commission's letter of March 11, 1903, does not militate against

the rights of the applicants nor tend to approve of the manner in which the Commission handled the matter after rendering its decision of February 14 last. It is, therefore, respectfully recommended that the Commission be instructed to advise these applicants and their attorneys that under the circumstances they will be allowed six months from the date of the notice within which to remove to and settle in the Indian Territory, and that the fact that they have not heretofore removed, if they have not removed, will not be permitted to prejudice their rights, it being believed by the office that the Commission's action in withholding notice from the attorneys of record for these parties is not such a full and complete identification of them as is required by law, the attorneys as hereinbefore stated, being entitled to notice of each and every action of the Commission pertaining to the identification or rejection of the applicants.

Very respectfully,

Commissioner

G. A. W.
H. S. R.

D.C. 32948-1903.

(COPY).

J. P.
WHR.

ITD 8252-1903.
L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, November 24, 1903.

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

Gentlemen:

It appears from your report of November 8, 1903, relative to the Mississippi Choctaw case of King Brandy, et al., that on November 10, 1902, D. C. Scarborough, of Natchitoches, Louisiana, presented to your Commission certain full blood Choctaws living in Louisiana, as applicants for identification as Mississippi Choctaws, viz: King Brandy, Joe Baptiste, William Cole, Mary Baptiste and her two minor children, Sam and Louisa Baptiste, and Celestine Brandy.

These applicants, you report, were unable to speak the English language (and of course could not read or write such language) and their examination was conducted through an interpreter. You did not finally act on the case mentioned until February 14, 1903, when under the provisions of Section 41 of Choctaw-Chickasaw supplemental agreement contained in the act of July 1, 1902 (32 Stat. 641), the applicants were identified as full blood Mississippi Choctaws.

Copies, it appears, of your decision were forwarded to the attorneys for the Choctaw and Chickasaw Nations February 21, 1903, and they were advised that they would be allowed fifteen days from that date within which to file such protest as they might desire.

against the action of your Commission. No protests it seems were filed by the said attorneys within the prescribed time.

On march 11, 1903, you report each of the principal applicants was mailed a copy of the decision of February 14, 1903, and as the Department approved, January 23, 1903, an opinion of the Assistant Attorney General, in which it was stated that the period of six months allowed for making bona fide settlement within the Choctaw-Chickasaw country, Indian Territory, as provided in the act of July 1, 1902, by persons duly identified as Mississippi Choctaws, begins to run from the date of their identification by your Commission, you advised each of them that if they removed to the Choctaw-Chickasaw country before August 14, 1903, they would have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement.

You do not claim that the applicants were not at that time represented by attorneys. These attorneys, Messrs. Scarborough & Carver, of Natchitoches, La., were never furnished with a copy of your decision, and you state "nor have they been advised of the action of the Commission in identifying the applicants as Mississippi Choctaws."

You report that prior to the time you notified the applicants of your decision you had been furnished a copy of the act of March 3, 1903 (32 Stats., 982), which made an appropriation of \$20,000.00 for the purpose of aiding indigent identified full blood Mississippi Choctaws to remove to the Indian Territory, and you state that before the approval of this act your Commission had been overwhelmed with requests from attorneys and agents for lists of

persons identified by your Commission as Mississippi Choctaws; that these requests were so numerous, and as apparently the information was only sought with the purpose and idea of taking advantage of the illiteracy of the persons thus identified, it was decided, for the protection of the full blood Choctaw Indians, to withhold the notification to such persons as appeared of record as their attorneys or agents until such time as provision was made by the Department for the expenditure of the money appropriated by said act of March 3, 1903

On March 10, 1903, you submitted to the Department a schedule of identified Mississippi Choctaws which included the claimants above mentioned which schedule was approved by the Department on April 7, 1903.

While it is true that on July 2, 1903, the Department approved, as you state, your report of June 1, 1903, relative to the removal of full blood Mississippi Choctaws from their homes in Mississippi to the Indian Territory, in which it was recommended that no recognition in the proceedings relative to such removal should be given to attorneys or agents, but that they who were to receive the benefits of the legislation mentioned should be dealt with directly so that there would be but two parties to the transaction, the Indian and the Government, it was not, of course, contemplated that attorney ~~_____~~ applicants should not be advised of any action by your Commission affecting their claims to identification, or particularly of your decision identifying them as Mississippi Choctaws.

You inform the Department, though apparently it has no material bearing upon the question of the rights of the applicants,

that the special agent of the Government in the expenditure of said \$20,000.00, issued a circular, which you quote, "To full blood Mississippi Choctaws," requesting, among other things, those identified full blood Mississippi Choctaws who wished to go to the Indian Territory to call upon or write ^{to} him immediately, and they were informed that he would investigate their condition and provide free transportation and free rations as their status and circumstances justified and required.

It seems that a copy of this circular was mailed at Meridian, Mississippi, on July 27, 1903, to Joe Baptiste, at Flatwood, Louisiana, and to William Cole, Celestine Brandy, Mary Baptiste and King Brandy, at Boyce, Louisiana.

There appears, you state, no doubt that notice of your decision of February 14, 1903, reached all of the applicants as you have in your possession return registry receipts therefor.

You express the opinion that all of the persons identified as Mississippi Choctaws by the decision of February 14, 1903, have been furnished all the notice contemplated by law, of both the action of your Commission and of the provisions made for their removal to the Choctaw-Chickasaw country by the special agent of the Government.

Considering the circumstances in this case, especially the fact that the parties relied upon their attorneys, being ignorant of the English language, said circular letter of July 27, 1903, was of as little service to them as the notice of March 11, 1903. The material question is whether your letters of March 11, 1903, to the applicants advising them of your decision identifying them as Mississippi Choctaws, was a sufficient notice, in view of the fact that they were

represented by attorneys who did not receive proper notice.

Reporting in the matter November 18, 1903, the Commissioner of Indian Affairs states that unquestionably your Commission should have properly notified Messrs. Scarborough & Carver of your decision identifying said applicants; that at best the advice to the applicants of their identification was not mailed to them until almost a month after the identification, which, if time had begun to run from the date of your decision identifying them, only gave them about five months in which to remove.

While there can be no question that all parties in interest in any case should be advised of any action affecting their interests with as little delay as possible, the Department does not agree with the Commissioner in certain views expressed as to notice in such cases. It does agree with his conclusions that these Indians should not be deprived of their rights if they have removed to the Indian Territory, or if they remove there within six months from the date your Commission hereafter notified them of their identification.

You are, therefore, directed to give said attorneys, Messrs Scarborough & Carver, notice, by registered letter or personally, in accordance herewith.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

M.C.R. 5129

Muskogee, Indian Territory, February 21, 1903.

Manfield, McMurray & Gernish,
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 Mary Baptiste and minor children, Sam Baptiste and Louisa Baptiste 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 Mary Baptiste 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 ~~and~~ being prepared by this Commission.

Respectfully,

SIGNED:

Tavis Bixby.

Acting Chairman.

Registered.

Mus. M.C.R. 5129

M C R 5129

Muskogee, Indian Territory, December 23, 1903.

Mary Baptieste,

Boyce, Louisiana.

Dear Madam:

In the matter of the application of Mary Baptieste, et al., for the identification of herself and minor children, Sam and Louisa Baptieste, as Mississippi Choctaws, the Commission is directed by the Secretary of the Interior to notify you that you will be allowed six months from the date of this notice within which to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory.

If you, with these children, Sam and Louisa Baptieste, remove to the Choctaw-Chickasaw country, Indian Territory, before June 23, 1904, you will have six months from that date, or until December 23, 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,

Registered.

Chairman.

For Identification as a Mississippi Choctaw.

Date, Apr 10, 1902

Name Mary Baptiste.

Age 26 - Blood full

Post Office, Boyer, La.

Father: King Brandy, l.

Mother: — — — d

Claims through both parents,

Husband
Baptiste - d
full blood
Choctaw.

Children:

Sam Baptiste. 8

Louisa " — 2

Claims for self &
Children -

Stenographer W. G. Harris

Choctaw MCR 5130

Celestine Brandy

MCR 5130

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

-----o-----

In the matter of the application of Celestine Brandy
for identification as a Mississippi Choctaw, H.C.R. 5130.

-----o-----

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Celestine Brandy
for identification as a Mississippi Choctaw, M.C.R. 5130.

--: I N D E X :--

	(Page)
Original application of Celestine Brandy before the Dawes Commission for identi- fication as a Mississippi Choctaw.....	1
Testimony of A. Telle taken at Muskogee, Ind. Ter. April 10, 1902.....	5
Decision of the Commission identifying above applicant.....	7

---o---

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 10, 1902.

8130

In the matter of the application of Celestine Brandy for identification as a Mississippi Choctaw.

D.C. Saarborough, att'y, appearing for applicant.

Celestine Brandy being duly sworn testified as follows:

Examination by the Commission:

(Through A. Telle, who, being sworn, interpreted questions and answers.)

- Q What is your name? A Celestine Brandy.
Q How old are you? A About twenty; she says she don't really know but thinks she is about twenty. (Her father says she is about 23.)
Q Do you think you are twenty three years old? A Yes, she might be about there; she does not know.
Q Twenty three? A Put it down twenty threes.
Q What is your post office address? A Boyce.
Q What State? A State of Louisiana.
Q Have you always lived in Louisiana? A Yes sir. Born and raised right there in that locality where she lives now.
Q What is your father's name? A King Brandy.
Q Living? A Yes sir.
Q He made application, today, didn't he, April 10, 1902, to be identified as a Mississippi Choctaw? A Yes sir.
Q Is your mother living? A Dead.
Q What was her name? A I don't know.
Q Has King Brandy a Choctaw name? A If he has I don't know.
Q Has he always lived in Louisiana? A I don't know.
Q Do you claim through your father and mother both? A Yes sir.
Q Both full blood Choctaw Indians? A Yes sir.
Q Are you a full blood Choctaw Indian? A Yes sir.
Q Have you a husband? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? 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 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 come before the Commission now for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q And for the first time? A Yes sir.

Q Do you understand that article of that treaty? A Yes sir.

Q You have heard it explained and you understand it all right? A Yes sir.

Q Don't want to have it explained any more? A No sir; she does not care to have it: (I asked her-- says the interpreter-- if she had heard it read and explained before; I asked her if she wanted to do away with the reading of it and she said "yes"; and she said she could do without it.)

Well, in order to have it a part of the record it will be read; 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 parents. 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 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 I claim through my father.

Q What was your grandfather's name? A I don't know.

Q Did you ever hear of Bob Brandy? A I heard it today.

Q Do you know that is your grandfather? A Yes sir.

Q You heard your father say that was his father? A She says I suppose it was father says it is her father.

Q You heard your father say that his father's name was Bob Brandy? A Yes sir.

Q Did Bob Brandy your grandfather live in Mississippi in 1830?

- A She says I suppose he did but I don't know.
- Q Do you know whether he was head of a family in 1830? A She says I suppose; I so understand but I don't know.
- Q Is Mary Baptiste your sister? A Yes sir.
- Q And King bBrandy is your father? A Yes sir.
- Q They both made application for identification as Mississippi Choc aw today, April 10, did they not? A Yes sir.
- Q Do you want to have the evidence in their cases considered with yours in order that you can get the benefit of what they have testified to? A Yes sir.
- Q You don't know anything about your ancestors beyond your father, do you? A I know only my father.
- Q But you do know that you are a full blood Choctaw Indian, don't you? A Yes sir.
- Q You don't speak English at all, do you? A No sir.
- Q Did you ever hear that any of your Choctaw ancestors owned any improvements on land in Mississippi or Alabama in 1830? A No sir; haven't heard; I don't know, she says.
- 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 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 leave that old Choctaw Nation East of the Mississippi River and go to the Choctaw Nation, Indian Territory, West of the Mississippi River? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any or own any benefits in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know; never heard of it; - any talk.

The Choctaw Indians that lived in the old Choctaw Nation East of the Mississippi River and who remained there after the treaty of 1830 was ratified refusing to go to the Choctaw Nation, Indian Territory under the treaty 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 of 1830 and tell him that they wanted to stay there 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 neglect to make a proper list of those claimants who came before him within the time limited caused many Indians who had lands in Mississippi upon which they had improvements to lose both land and improvements for they were both taken from them and sold by the Government at Public Land Sale. This caused so many complaints that in 1837, by an act of Congress approved March 3, that year, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed for that purpose; both of these Commissions made lists of all Choctaw Indians who came before them claiming under that article of that treaty.

Q Did any of your Choctaw ancestors come before either of these two Commissions and claim benefits under article fourteen of the treaty of Dancing Rabbit Creek? (Interpreted) A I don't know; I never heard any.

Q Did any of your Choctaw ancestors receive any scrip or certificates from the Government under an act of Congress of August 23, 1842 which would entitle them to select land in Mississippi, Alabama, Arkansas or Louisiana to take the place of land which they claimed they had held in the old Choctaw Nation and which the Government had taken from them and sold at Public Land Sale? A I don't know.

Q Have you any evidence you want to present now in support of this claim? A This is about all I know.

(To attorney for applicant:)

Q Do you want to make a motion? A ---(Attorney for applicant makes a motion for application for more time in which to furnish evidence in support of her application to be identified as a Mississippi Choctaw. This motion is granted.)

Q Do you speak the English language at all or do you speak the Choctaw language all the time? A I don't understand the English language at all; I speak only the Choctaw language.

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

--

This applicant is unquestionably a full blood Choctaw Indian; her examination has been conducted throughout in the Choctaw language through ~~her~~ interpreter A. Telle; she has no knowledge of the English language and she 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 proceedings had in the above entitled cause on April 10, 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 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 Baptiste et al.,	M.C.R. 5129
Celestine Brandy,	M.C.R. 5130
William Cole,	M.C.R. 5131
Joe Baptiste	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, 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 if there is any indication in that. He may be a freak among the Choctaw 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.

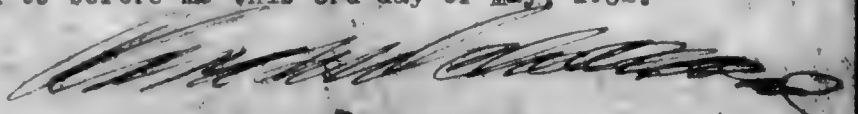
Q It may be that living in the State of Louisiana that back somewhere in the ancestry of this claimant there is a mingling of the old French or English with the Indian? A It might be but then it is so remote that the people don't recollect it.

(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.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Cur

In the matter of the application of Celestine Brandy for identification as a Mississippi Choctaw, M.C.R. 5130.

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 April 10, 1902, by Celestine Brandy 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."

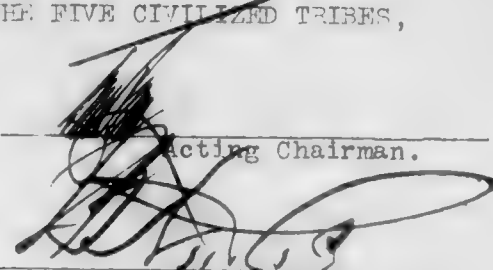
From the evidence submitted in support of said application it appears that the applicant is a full blood Mississippi Choctaw Indian.

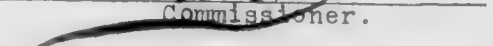
Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902 (32 Stats., 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"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 Celestine Brandy 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.

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 Celestine Brandy, 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 Celestine Brandy 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,

Tams Bixby.

(SIGNED):

~~Active~~ Chairman.

Registered.

Enc. M.C.R. 5130

M.C.R. 5130.

Muskogee, Indian Territory, March 11, 1903.

Celestine Brandy,

Boyce, Louisiana.

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 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,

(SIGNED)

James P. Smith
Chairman.

Registered.

Enc. 5130.

Land.
73606-1903.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, November 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter dated October 13, 1903, (I.T.D. 8519), transmitting to the Commission to the Five Civilized Tribes, for immediate report and recommendation, a communication addressed to the Secretary on September 23 last by Messrs. Scarborough and Carver, of Natchitoches, Louisiana, enclosing copies of certain communications relative to the Mississippi Choctaw case of King Brandy, et al., and urging that the six months allowed identified Mississippi Choctaws in which to remove to the Choctaw-Chickasaw country should begin to run from the date the attorneys are notified, I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated November 5, 1903, returning said letter.

Messrs. Scarborough and Carver, with their letter of September 23 encloses what purports to be a copy of a circular letter sent to people in Mississippi alleged to have been identified as Mississippi Choctaws. This letter seems to have been sent out June 2, 1903, by Winton and Owen. They also enclose a copy of the Commission's letter of September 2, 1902, to D.C. Scarborough; copy

of the Commission's letter of September 2, 1903, to Scarborough and Carver; copy of Scarborough and Carver's letter of September 9, 1903, to the Commission; and copy of the Commission's letter of September 19 last to them. Messrs. Scarborough and Carver in their letter of September 23 say that in the spring of 1902, they took up the case of two sets of clients living in their parish; that they had known these people for the last twenty-five years; that the Wallett family, a family of mixed blood Indians, was refused identification by the Commission; that the King Brandy^{family} have lived in the vicinity referred to for forty years; and that they are full blood Mississippi Choctaw Indians. They say they took charge of this case well knowing that any agreement with them that they might enter into concerning their compensation would be utterly null and void and of no effect in law; that they took charge of the case partly through sympathy and partly with the hope that these parties would some day compensate them for their trouble and the money expended in their behalf; that the King Brandy case was submitted a short time after the Wallett case, which was decided by the Commission December 2, 1902; that not hearing from the decision in the Brandy case and wanting to know when a decision might be expected they wrote the Commission August 29, 1903, asking "when we might expect a decision in the King Brandy consolidated case No. 5127 to No. 5124, and received in answer thereto letter marked "A" exhibit hereto annexed find a copy". The Commission quotes from Messrs. Scarborough and Carver's letter at considerable length. The substance of their let-

ter is that they were not notified of the Commission's decision; that the persons referred to are not able to speak the English language and that, of course, they cannot read or write the same; and that they, as the attorneys for these applicants, were not notified of the Commission's decision. They ask that the applicants be not deprived of their right to share in the distribution of the Choctaw estate. The Commission says that apparently the question upon which the Department desires a report and recommendation are, as follows:

1st. Whether or not the six months within which identified Mississippi Choctaws have to remove to and make settlement within the Choctaw-Chickasaw country begins to run from the date of their identification by the Commission to the Five Civilized Tribes, the date of the approval of the action of the Commission by the Secretary of the Interior, or the date of notice to the attorneys for the applicants.

2nd. By what authority was the letter of Messrs. Winton and Owen, of June 2, 1903, marked exhibit "C", issued and forwarded to the clients of Messrs. Scarborough and Carver.

3rd. Why Messrs. Scarborough and Carver were not advised of and furnished with a copy of the decision identifying King Brandy, et al., as Mississippi Choctaws, similar to the notice of September 2, 1902, advising them of the unfavorable decision in the matter of the application of Rozelia Walleto, et al.

The first proposition, the Commission says, was disposed of by the Assistant Attorney General in his opinion of January 23, last (I.T.D. 7026), wherein it was stated:

I am of the opinion and so advise you that the period of six months allowed for making bona fide settlement within the Choctaw-Chickasaw country by persons duly identified as Mississippi Choctaws, begins to run from the date of their identification by the Commission to the Five Civilized Tribes.

With reference to the second question, being the letter of Winton and Owen, the Commission says it has no knowledge of such letter; that it was issued without the knowledge or sanction of the Commission and that it did not emanate from it.

The proceedings relative to the Wallett case are then mentioned, but as these people have been refused identification and the decision of the Commission has been affirmed by the Department, and as it does not appear that Messrs. Scarborough and Carver made any complaint concerning this case, it is unnecessary to discuss it. The Commission further says that on April 10, 1902, D.C. Scarborough of Natchitoches, Louisiana, presented a number of full blood Choctaws as applicants for identification as Mississippi Choctaws; that on said date the Commission heard and made a full record in the matter of the application for identification of the following named persons:

King Brandy,	Mary Baptiste and her two
Joe Baptiste,	minor children, Sam and
William Cole,	Louisa Baptiste.
Celestine Brandy.	

It is stated that the applicants above-named were unable to speak the English language; that their examination was conducted through an interpreter, Mr. Alinton Telle, a citizen by blood of the Choctaw Nation; and that at the time Mr. Scarborough, in each of the above-named cases, asked for a reasonable time within which to procure and introduce

*the evidence of John S. Calvert and Joseph Roeschell, of the parish of Natchitoches, state of Louisiana; such evidence to be used in the application of King Brandy and various other Mississippi Choctaws applying for identification on April 10, 1902, all of whom are related and

constitute what might be designated as the Natchitoches tribe of Mississippi Choctaws residing in the extreme lower limits of the parish of Natchitoches, Louisiana.

This request was granted and commissions were issued for the taking of the depositions of John S. Calvert and Joseph Eeschell, which were filed with the Commission by Mr. Scarborough on August 5, 1902. No action, the Commission says, was taken in any of the cases mentioned until February 14, 1903, when under the provisions of section 41 of the Choctaw-Chickasaw supplemental agreement, the applicants were identified as full blood Mississippi Choctaws; that copies of the decision so identifying the applicants were forwarded^{to} the attorneys for the Choctaw and Chickasaw Nations February 21, 1903, who were advised that they would be allowed fifteen days from that date within which to file such protests as they might desire to make against the action of the Commission in identifying the applicants; that no protests were filed by the Nation within the prescribed time; and that on March 11, 1903, each of the principal applicants was furnished with a copy of the decision of February 14, 1903, and advised as follows:

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.

The Commission says that Messrs. Scarborough and Carver were never furnished with a copy of this decision "nor have they been advised of the action of the Commission in identifying the ap-

licants as Mississippi Choctaws; that prior to the time the Commission notified the applicants of its decision the Commission was furnished with a copy of the Indian Appropriation Act approved March 3, 1903 (32 Stats., 982), which appropriated \$80,000.00 or so much thereof as might be necessary for the purpose of aiding indigent identified full blood Mississippi Choctaws to remove to the Indian Territory; that before the approval of this act the Commission had been overwhelmed with requests from attorneys and agents for lists of persons identified by the Commission as full blood Choctaws; that these requests were so numerous and as it appeared that the persons making them sought the information with the purpose of taking advantage of the illiteracy of the persons so identified, it was decided, for the protection of the full blood Choctaw Indians, to withhold the notifications to such persons "as appeared of record as their attorneys or agents until such time as provision was made by the Secretary of the Interior for the expenditure of the twenty thousand dollars appropriated by the Act of March 3, 1903; that on March 10, 1903, the Commission submitted for Departmental consideration a schedule of identified Mississippi Choctaws, numbered 7 to 1012 inclusive, which included the following:

No. 424 King Brandy,
789 William Cole,
882 Sam Baptiste,
886 Celestine Brandy.

No. 428 Joe Baptiste,
881 Mary Baptiste,
883 Louisa Baptiste,

This schedule was approved by the Department April 7, 1903,

and on June 1, 1903, the Commission made a report relative to the removal of full blood identified Mississippi Choctaws from their homes in Mississippi to the Indian Territory. The Commission recommended

"That no recognition in the proceedings should be given to attorneys or agents, but that they who are to receive the benefits of this legislation should be dealt with directly so that there will be but two parties to the transaction, namely, the Indian and the Government."

July 8, 1903, (I.T.D. 4650-5283), the Department approved the Commission's recommendation and authorized the Commission to detail one of its employees to assist the full blood identified Mississippi Choctaws in removing to the Indian Territory, the money to be expended "by the Special Disbursing Agent of the Commission under the direction of the Commission." The Commission says that on July 23, 1903, H. Van V. Smith, Special Disbursing Agent of the Commission, was delegated a special agent of the government in the expenditure of this \$20,000.00; that he was directed to proceed to the State of Mississippi for the purpose of carrying out the provisions of the Act of March 3, 1903; that he was furnished with a list of all persons identified by the Commission to the Five Civilized Tribes as Mississippi Choctaws, showing date of their identification and the place of residence; that he immediately proceeded to Meridian, Mississippi, where on July 27, 1903, the following circular letter was issued and mailed to all persons

identified by the Commission as Mississippi Choctaws, on February 14, 1903:

SPECIAL NOTICE TO FULL BLOOD MISSISSIPPI CHOCTAWS.

Under instructions from the Secretary of the Interior, through the Dawes Commission, I have been charged with the expenditure of the \$20,000.00 appropriated by Congress to aid indigent full blood Mississippi Choctaws who have been identified as full blood Mississippi Choctaws by the Commission, and who desire to remove to the Indian Territory within the six months after the date of their identification as provided by law.

I have a list of all identified full blood Mississippi Choctaws. With many of them the six months will soon be passed.

Those identified full blood Mississippi Choctaws who wish to go to the Indian Territory are requested to call upon me or write to me immediately at Meridian, Mississippi and I will at once investigate their condition and provide free transportation and free rations as their status and circumstances may justify and require.

Prompt action is necessary for those whose six months limit has nearly expired, and it is desirable for all who wish to avail themselves of this effort of the Government's to assist them in getting their Indian rights.

None but identified full blood Mississippi Choctaws are included in this notice.

Meridian, Mississippi, July 27, 1903.

H. Van V. Smith,

Special Agent of the United
States Government.

Address: Federal Building, Meridian, Mississippi.

It is stated that a copy of this circular was mailed at Meridian, Mississippi, on July 27, 1903, to Joe Baptieste, at Flatwood, Louisiana, and to William Cole, Celestine Brandy, Mary Baptieste and King Brandy, at Boyce, Louisiana; that on the same date Mr. Smith directed communications to the postmasters at Flatwood and Boyce, Louisiana, advising them of the mailing of the letters

to the persons named and enclosing a copy of said circular letter. It appears that the concluding part of the letters to the postmasters are as follows:

If for any reason any of the above named persons do not receive mail at your postoffice, I will appreciate it if you will promptly advise me of this fact and of any change in their postoffice addresses of which you are cognizant. Please post the enclosed notice conspicuously.

The Commission says there is no doubt but that its decision of February 14, 1903, reached all of the persons to the King Brandy case, for the reason that the Commission is in possession of return registry receipts that the circular letter of the Special agent of the government dated July 27, 1903, was delivered or the Commission would have been otherwise advised by the post masters at Flatwood and Boyce, Louisiana, and attention is invited to the fact that Messrs. Scarborough and Carver, in their letter of September 23 last, did not advise the Department of the receipt by the persons to this case of the Commission's decision of February 14, 1903, and the Special Disbursing Agent's circular of July 27, 1903, and that they lay special stress upon the receipt of the circular letter issued by Winton and Owen, of which the Commission has no knowledge. The Commission concludes its report as follows:

In conclusion I desire to express the opinion that all of the persons identified as Mississippi Choctaws by the decisions of February 14, 1903, have been furnished all the notice contemplated by law of both the action of the Commission and the provisions made for their removal to the Choctaw-Chickasaw country by the special agent of the Government.

The Commission seems to have proceeded on the theory that the Department by approving its recommendation of June 3, 1903, desired that attorneys representing full blood Mississippi Choctaws be not advised of the Commission's decision. The office does not understand that this was the Department's intention. The removal of the Mississippi Choctaws had nothing whatsoever to do with notifying them and their attorneys of the different steps taken by the Commission with reference to the applications of the parties. The Commission should have unquestionably notified Messrs. Scarborough and Carver of its decision identifying the parties to the King Brandy case.

It is shown that the parties were identified on February 14, 1903, and that advice of such identification was not mailed to them until March 11, 1903. Almost a month of the time in which they are required to remove had elapsed before the Commission mailed them notice of their identification. It is believed by this office that the Commission should have notified them on Feby. 14, 1903 -- the date the decision was rendered, or at least the next day, of its action. The attorneys for the Choctaw and Chickasaw Nations were unquestionably entitled to notice of the Commission's action in this case, but the Commission should not have permitted the time within which the nation would have been allowed to protest to have run on the time within which the applicants were required to remove. It appears to this office that when the Commission found these appli-

cants were entitled to identification as Mississippi Choctaws the attorneys for the nations should have been advised that they would be allowed a stated time within which to protest against such proposed action of the Commission, and the decision should not have been rendered until after the time allowed the attorneys to file a protest had expired. If this had been done these identified applicants would have had six months in which to remove from their homes in Louisiana to the Indian Territory, as provided by the law, but under the method pursued by the Commission they had but a few days over the five months in which to remove.

Inasmuch as it appears that the Commission permitted almost a month of the time allowed identified Mississippi Choctaws in which to remove to run before these applicants were notified and considering the fact that the Commission did not notify the attorneys of record for these applicants of its decision, the office does not believe that these parties should be deprived of their rights if they have removed to the Indian Territory or if they remove to the Indian Territory within six months from the date upon which the Commission hereafter notifies them and their attorneys of their identification. They are full blood Indians, unable to speak the English language and, of course, cannot read and write, and the fact that their attorneys did not call to the Department's attention that the applicants had in their possession the Commission's letter of March 11, 1903, does not militate against

the rights of the applicants nor tend to approve of the manner in which the Commission handled the matter after rendering its decision of February 14 last. It is, therefore, respectfully recommended that the Commission be instructed to advise these applicants and their attorneys that under the circumstances they will be allowed six months from the date of the notice within which to remove to and settle in the Indian Territory, and that the fact that they have not heretofore removed, if they have not removed, will not be permitted to prejudice their rights, it being believed by the office that the Commission's action in withholding notice from the attorneys of record for these parties is not such a full and complete identification of them as is required by law, the attorneys as hereinbefore stated, being entitled to notice of each and every action of the Commission pertaining to the identification or rejection of the applicants.

Very respectfully,

Commissioner.

G. A. W.
H. B. K.

D.O. 32942-1903.

(COPY).

J. P.
WHR.

FD 2252-1903,
L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, November 24, 1903.

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

Gentlemen:

It appears from your report of November 3, 1903, relative to the Mississippi Choctaw case of King Brandy, et al., that on November 10, 1902, D. C. Scarborough, of Natchitoches, Louisiana, presented to your Commission certain full blood Choctaws living in Louisiana, as applicants for identification as Mississippi Choctaws, viz: King Brandy, Joe Baptiste, William Cole, Mary Baptiste and her two minor children, Sam and Louisa Baptiste, and Celestine Brandy.

These applicants, you report, were unable to speak the English language (and of course could not read or write such language) and their examination was conducted through an interpreter. You did not finally act on the case mentioned until February 14, 1903, when under the provisions of Section 41 of Choctaw-Chickasaw supplemental agreement contained in the act of July 1, 1902 (32 Stat. 641), the applicants were identified as full blood Mississippi Choctaws.

Copies, it appears, of your decision were forwarded to the attorneys for the Choctaw and Chickasaw Nations February 21, 1903, and they were advised that they would be allowed fifteen days from that date within which to file any protest as they might desire.

against the action of your Commission. No protests it seems were filed by the said attorneys within the prescribed time.

On March 11, 1903, you report each of the principal applicants was mailed a copy of the decision of February 14, 1903, and as the Department approved, January 23, 1903, an opinion of the Assistant Attorney General, in which it was stated that the period of six months allowed for making bona fide settlement within the Choctaw-Chickasaw country, Indian Territory, as provided in the act of July 1, 1902, by persons duly identified as Mississippi Choctaws, begins to run from the date of their identification by your Commission, you advised each of them that if they removed to the Choctaw-Chickasaw country before August 14, 1903, they would have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement.

You do not claim that the applicants were not at that time represented by attorneys. These attorneys, Messrs. Scarborough & Carver, of Natchitoches, La., were never furnished with a copy of your decision, and you state "nor have they been advised of the action of the Commission in identifying the applicants as Mississippi Choctaws."

You report that prior to the time you notified the applicants of your decision you had been furnished a copy of the act of March 3, 1903 (32 Stats., 982), which made an appropriation of \$20,000.00 for the purpose of aiding indigent identified full blood Mississippi Choctaws to remove to the Indian Territory, and you state that before the approval of this act your Commission had been overwhelmed with requests from attorneys and agents for lists of

persons identified by your Commission as Mississippi Choctaws; that these requests were so numerous, and as apparently the information was only sought with the purpose and idea of taking advantage of the illiteracy of the persons thus identified, it was decided, for the protection of the full blood Choctaw Indians, to withhold the notification to such persons as appeared of record as their attorneys or agents until such time as provision was made by the Department for the expenditure of the money appropriated by said act of March 3, 1903

On March 10, 1903, you submitted to the Department a schedule of identified Mississippi Choctaws which included the claimants above mentioned which schedule was approved by the Department on April 7, 1903.

While it is true that on July 2, 1903, the Department approved, as you state, your report of June 1, 1903, relative to the removal of full blood Mississippi Choctaws from their homes in Mississippi to the Indian Territory, in which it was recommended that no recognition in the proceedings relative to such removal should be given to attorneys or agents, but that they who were to receive the benefits of the legislation mentioned should be dealt with directly so that there would be but two parties to the transaction, the Indian and the Government, it was not, of course, contemplated that attorneys applicants should not be advised of any action by your Commission affecting their claims to identification, or particularly of your decision identifying them as Mississippi Choctaws.

You inform the Department, though apparently it has no material bearing upon the question of the rights of the applicants,

that the special agent of the Government in the expenditure of said \$20,000.00, issued a circular, which you quote, "To full blood Mississippi Choctaws," requesting, among other things, these identified full blood Mississippi Choctaws who wished to go to the Indian Territory to call upon or write ^{to} him immediately, and they were informed that he would investigate their condition and provide free transportation and free rations as their status and circumstances justified and required.

It seems that a copy of this circular was mailed at Meridian, Mississippi, on July 27, 1903, to Joe Baptiste, at Flatwood, Louisiana, and to William Cole, Celestine Brandy, Mary Baptiste and King Brandy, at Boyce, Louisiana.

There appears, you state, no doubt that notice of your decision of February 14, 1903, reached all of the applicants as you have in your possession return registry receipts therefor.

You express the opinion that all of the persons identified as Mississippi Choctaws by the decision of February 14, 1903, have been furnished all the notice contemplated by law, of both the action of your Commission and of the provisions made for their removal to the Choctaw-Chickasaw country by the special agent of the Government.

Considering the circumstances in this case, especially the fact that the parties relied upon their attorneys, being ignorant of the English language, said circular letter of July 27, 1903, was of as little service to them as the notice of March 11, 1903. The material question is whether your letters of March 11, 1903, to the applicants advising them of your decision identifying them as Mississippi Choctaws, was a sufficient notice, in view of the fact that they were

represented by attorneys who did not receive proper notice.

Reporting in the matter November 18, 1903, the Commissioner of Indian Affairs states that unquestionably your Commission should have properly notified Messrs. Scarborough & Carver of your decision identifying said applicants; that at best the advice to the applicants of their identification was not mailed to them until almost a month after the identification, which, if time had begun to run from the date of your decision identifying them, only gave them about five months in which to remove.

While there can be no question that all parties in interest in any case should be advised of any action affecting their interests with as little delay as possible, the Department does not agree with the Commissioner in certain views expressed as to notice in such cases. It does agree with his conclusions that these Indians should not be deprived of their rights if they have removed to the Indian Territory, or if they remove there within six months from the date your Commission hereafter notified them of their identification.

You are, therefore, directed to give said attorneys, Messrs Scarborough & Carver, notice, by registered letter or personally, in accordance herewith.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M C R 5130

Muskogee, Indian Territory, December 23, 1903.

Celestine Brandy,
Boyce, Louisiana.

Dear Madam:

In the matter of the application of Celestine Brandy, for identification as a Mississippi Choctaw, the Commission is directed by the Secretary of the Interior to notify you that you will be allowed six months from the date of this notice within which to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory.

If you remove to the Choctaw-Chickasaw country, Indian Territory, before June 23, 1904, you will have six months from that date, or until December 23, 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.

Chairman.

No. 5130

For Identification as a Mississippi Choctaw.

Date APR 10 1902

Name Celestine Brandy.

Age 23 - Blood full.

Post Office, Boyce, La

Father: King Brandy, l,

Mother: — — — d

Claims through both parents

~~Entered~~

claims for self
alone —

Stenographer H. G. Heam —

Celestine Brandy.

IDENTIFIED

R. 5130

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

Nov. 24, 1902 ... Society of
Interior ... to applicant
and ... sent, and
applicant - ... from
date of said ... and
Make ...
Country.

How ... within which
to remove ... mailed
applicant. Dec 23, 1903

Choctaw MCR 5131

William Cole

MCR 5131

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of William Cole for
identification as a Mississippi Choctaw. M.C.R. 513L.

-----o-----

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of William Cole for
identification as a Mississippi Choctaw, M.C.R. 5131.

--: I N D E X :--

	(Page)
Original application of William Cole before the Dawes Commission for identifi- cation as a Mississippi Choctaw.....	1
Testimony of A. Telle taken at Muskogee, Ind. Ter. April 10, 1902.....	6
Decision of the Commission identifying above applicant....	8

-----o-----

Department of the Interior,
Commission on the Five Civilized Tribes.
Washington, D. C., April 25, 1907.

5131

In the matter of the application of William Cole for identification as a Mississippi Choctaw.

D. C. Scarborough, atty. for applicant.

William Cole being duly sworn testified as follows:

Examination by the Commission:
(Through A. Telle, who, being sworn acted as interpreter)

- Q What is your name? A William Cole.
Q What is your age? A About sixty years of age.
Q What is your post office address? A Boyce.
Q Louisiana? A Yes sir.
Q How long have you lived in Louisiana? All your life?
A Yes sir; he says he was born on Bayou Crocodila or Alligator.
Q Is your father living? A I don't know. He came when I was very small West.
Q What was your father's name? A Il-la-tubbi.
Q What is your mother's name? A Eliza.
Q Is she dead or living? A Dead.
Q Are you a full blood Choctaw Indian? A Yes sir.
Q You claim through both father and mother, do you? A Yes sir.
Q Have your parents ever been recognized or enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory?
A He says I don't know but my father did come to the new Choctaw Indian Territory; I don't know when it was- it was when I was very small.
Q How old would his father be if living now? A He says I don't know but he would have been very old.
Q Are you married? A My wife is dead.
Q Have you any minor children you want to make application for now?
A He says he has no small minor children; he says he has some children but they are further back in the State of Louisiana; they are of age, he says.
Q Was your wife a full blood Choctaw Indian? A Yes sir.
Q What was her name? A He says she has been dead for many years he don't remember.

Q He makes application for himself alone, then, does he? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A "No, I don't think it is", he says.

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 make application to be identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand article fourteen of that treaty? A He says he is deaf, he don't know.

The treaty of 1830 was made between the United States Government and the Choctaw Indians in Mississippi on the 27th day of September 1830 and was made for the special purpose of removing as far as practicable all the members of the Choctaw tribe of Indians from that country 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 in the old Choctaw Nation, article fourteen was put into the treaty; it was afterwards signed and then 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 after the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." (Interpreted.)

Q Now you understand that article, 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? A I don't know.

Q What was the name of your ancestor through whom you claim now the right to be identified? A He says I come here principally on account of being a Choctaw.

Q You are sixty years old, are you? A He says he may be something over sixty, but he puts it at sixty; he is no younger.
Q Where were you born? A It is on that Cove or Crocodile Bayou.
Q In Mississippi or--- A He says he don't know exactly, the location, whether it is in Mississippi or Alabama that Crocodile Bayou, but that's where he was born.
Q What was your father's name? A Il-le-tubbi.
Q Where was Il-le-tubbi born? A He says he don't know what State, he says he don't know what particular locality, but it is in a State this side of where he was born; I asked him if it was in Mississippi and he said he thought it was.

(Attorney for applicant says when they say this side they mean the other side; they are not right; Georgia and Mississippi would be this side of Louisiana, and therefore in using that language they intend to designate the State of Mississippi.)

Q Then you mean, do you, that your father was born in the State of Mississippi? A Yes sir.
Q How old was he when he died? A He says: "I don't know; he come West when I was very small."
Q Did you have any brothers and sisters? A He says: "I have no full brother or sister; I have a half brother here on my mother's side."
Q Did he ever have any older brothers and sisters? A No sir.
Q Did your father live in the State of Mississippi in 1830 and was he head of a family there then? A He says: "I believe he was, but I don't know."
Q Did your father claim through his father and mother and did they live in Mississippi at any time? A Yes, they all- my grandfather and grandmother- they all lived and died in Mississippi as far as I know or ever heard.
Q Did any of your Choctaw ancestors ever own any improvements on land in Mississippi or 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 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 the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? A He says: "I don't know; I have been informed that my father came West but whether he came at that time or not I don't know."
Q Do you know whether he was removed from there to the Indian Territory at the expense of the United States Government? A I don't know.
Q Where did he locate when he came to the Indian Territory? A I don't know.
Q Did he claim any land or receive any in the old Choctaw Nation under article four teen of the treaty of 1830 or did he in any way comply with the provisions of that article of that treaty? A I don't know.

The Indians who remained in the old Choctaw Nation East of the Mississippi River after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory under that treaty were re-

Q. quired if they wanted to take advantage of article fourteen of that treaty to 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 good many Choctaw Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register and as a result of his failure to do this a great many Choctaw Indians list both lands and improvements which they had in Mississippi- they were taken from them by the Government and sold at Public Land Sale. This caused a good many complaints which caused Congress in 1837 by an act approved March 3, that year, caused a Commission to be appointed which went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 under an act approved August 23, 1842, another Commission was appointed by Congress; this Commission also went to Mississippi and heard claimants under that article.

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. Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana to take the place of land which the Government had taken from them and sold? This scrip was issued under an act of Congress approved August 23, 1842. A. I don't know.

Q. Did you ever hear that your father had any land in Mississippi which he received from the Government? A. I don't know; I never heard of any if he had any.

Q. Do you speak the English language at all? A. No sir.

Q. Do you speak all the time in the Choctaw language? A. That's all I speak.

Q. Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws except yourself? A. No sir; he is the first and only one.

Q. Do you know if a persons by the name of Ikkaheser Ilatabe is the same as your father whose name is Illetubbi, whose name appears as a claimant under article nineteen of the treaty of 1830? A. I can't say because I don't read; I don't know how the name ought to be spell

Q. Have you ny other evidence you want to present now to this Commission? A. I don't know of any; I don't think I have.

(To attorney):

Q. Any questions, Mr. Scarborough? A. No sir, I don't care for any-- I want to make the same note asking for further time to file depositions.

Reasonable time will be allowed this applicant in which to file further evidence.

This applicant is a full blood Choctaw Indian having all the characteristics of a member of that tribe; he speaks only the Choctaw language and has no knowledge of the English language, his examination having been conducted throughout through his interpreter in

the English language through me. I think we have no knowledge of the compliance on the part of any of his employers with the provisions of Article fourteen of the treaty of 1850.

(Applicant says that the party he mentioned as being his half-brother is John Jack who appeared before the Commission today.)

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 10, 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 3rd day of May, 1902.

[Signature]
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Wagon, Indian Territory, April 10, 1902.

TESTIMONY OF A. TELLE.

IN the cases of

John Jack et al.,	M.C.R. 5186
Lisa Scott et al.,	M.C.R. 5127
King Brandy,	M.C.R. 5128
Mary Baptiste, et al.,	M.C.R. 5129
Celestine Brandy	M.C.R. 5130
William Cole,	M.C.R. 5131
Joe Baptiste,	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, 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 their 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.

Q You don't know she 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.

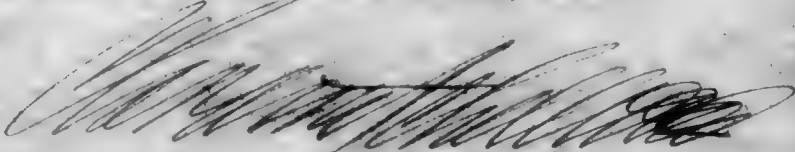
Q It may be that living in the State of Louisiana that back somewhere in the ancestry of this claimant there is a mingling of the old French or English with the Indian? A It might be but then it is so remote that the people don't recollect it.

(Witness excused.)

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported the above testimony on April 10, and that this is a full, true and correct transcript in same.

Henry G. Hains

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



Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cole

-----o-----

In the matter of the application of William Cole for identification as a Mississippi Choctaw, M.C.R. 5131.

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 April 10, 1902, by William Cole 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 William Cole should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

COPY

M.C.R. 2111

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Owsen,
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 William Cole, 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 William Cole as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

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

Respectfully,

(SIGNED)

Tams Dixby.

Chairman.

Registered.

Enc. MT. 17

COPY.

M.C.R. 6131

Muskogee, Indian Territory, March 11, 1903.

William Cole,

Boyce, Louisiana.

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,

Jane Dixon.

Chairman.

registered.

Enc. 6131.

Land.
73606-1903.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, November 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter dated October 13, 1903, (I.T.D. 8519), transmitting to the Commission to the Five Civilized Tribes, for immediate report and recommendation, a communication addressed to the Secretary on September 23 last by Messrs. Scarborough and Carver, of Natchitoches, Louisiana, enclosing copies of certain communications relative to the Mississippi Choctaw case of King Brandy, et al., and urging that the six months allowed identified Mississippi Choctaws in which to remove to the Choctaw-Chickasaw country should begin to run from the date the attorneys are notified, I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated November 5, 1903, returning said letter.

Messrs. Scarborough and Carver, with their letter of September 23 encloses what purports to be a copy of a circular letter sent to people in Mississippi alleged to have been identified as Mississippi Choctaws. This letter seems to have been sent out June 2, 1903, by Winton and Owen. They also enclose a copy of the Commission's letter of September 2, 1902, to D.C. Scarborough; copy

of the Commission's letter of September 2, 1903, to Scarborough and Carver; copy of Scarborough and Carver's letter of September 9, 1903, to the Commission; and copy of the Commission's letter of September 19 last to them. Messrs. Scarborough and Carver in their letter of September 23 say that in the spring of 1902, they took up the case of two sets of clients living in their parish; that they had known these people for the last twenty-five years; that the Wallett family, a family of mixed blood Indians, was refused identification by the Commission; that the King Brandy^{family} have lived in the vicinity referred to for forty years; and that they are full blood Mississippi Choctaw Indians. They say they took charge of this case well knowing that any agreement with them that they might enter into concerning their compensation would be utterly null and void and of no effect in law; that they took charge of the case partly through sympathy and partly with the hope that these parties would some day compensate them for their trouble and the money expended in their behalf; that the King Brandy case was submitted a short time after the Wallett case, which was decided by the Commission December 2, 1902; that not hearing from the decision in the Brandy case and wanting to know when a decision might be expected they wrote the Commission August 29, 1903, asking "when we might expect a decision in the King Brandy consolidated case No. 5127 to No. 5134, and received in answer thereto letter marked "A" exhibit hereto annexed find a copy". The Commission quotes from Messrs. Scarborough and Carver's letter at considerable length. The substance of their let-

ter is that they were not notified of the Commission's decision; that the persons referred to are not able to speak the English language and that, of course, they cannot read or write the same; and that they, as the attorneys for these applicants, were not notified of the Commission's decision. They ask that the applicants be not deprived of their right to share in the distribution of the Choctaw estate. The Commission says that apparently the question upon which the Department desires a report and recommendation are, as follows:

1st. Whether or not the six months within which identified Mississippi Choctaws have to remove to and make settlement within the Choctaw-Chickasaw country begins to run from the date of their identification by the Commission to the Five Civilized Tribes, the date of the approval of the action of the Commission by the Secretary of the Interior, or the date of notice to the attorneys for the applicants.

2nd. By what authority was the letter of Messrs. Winton and Owen, of June 2, 1903, marked exhibit "C", issued and forwarded to the clients of Messrs. Scarborough and Carver.

3rd. Why Messrs. Scarborough and Carver were not advised of and furnished with a copy of the decision identifying King Brandy, et al., as Mississippi Choctaws, similar to the notice of September 2, 1902, advising them of the unfavorable decision in the matter of the application of Roselia Walette, et al.

The first proposition, the Commission says, was disposed of by the Assistant Attorney General in his opinion of January 23, last (I.T.D. 7026), wherein it was stated:

I am of the opinion and so advise you that the period of six months allowed for making bona fide settlement within the Choctaw-Chickasaw country by persons duly identified as Mississippi Choctaws, begins to run from the date of their identification by the Commission to the Five Civilized Tribes.

With reference to the second question, being the letter of Winton and Owen, the Commission says it has no knowledge of such letter; that it was issued without the knowledge or sanction of the Commission and that it did not emanate from it.

The proceedings relative to the Walllett case are then mentioned, but as these people have been refused identification and the decision of the Commission has been affirmed by the Department, and as it does not appear that Messrs. Scarborough and Carver made any complaint concerning this case, it is unnecessary to discuss it. The Commission further says that on April 10, 1902, D.C. Scarborough of Natchitoches, Louisiana, presented a number of full blood Choctaws as applicants for identification as Mississippi Choctaws; that on said date the Commission heard and made a full record in the matter of the application for identification of the following named persons:

- | | |
|-------------------|---------------------------|
| King Brandy, | Mary Baptiste and her two |
| Joe Baptiste, | minor children, Sam and |
| William Cole, | Louisa Baptiste. |
| Celestine Brandy. | |

It is stated that the applicants above-named were unable to speak the English language; that their examination was conducted through an interpreter, Mr. Alinton Telle, a citizen by blood of the Choctaw Nation; and that at the time Mr. Scarborough, in each of the above-named cases, asked for a reasonable time within which to procure and introduce

*The evidence of John S. Calvert and Joseph Roesshell, of the parish of Natchitoches, state of Louisiana; such evidence to be used in the application of King Brandy and various other Mississippi Choctaws applying for identification on April 10, 1902, all of whom are related and

constitute what might be designated as the Natchiteches tribe of Mississippi Choctaws residing in the extreme lower limits of the parish of Natchiteches, Louisiana.

This request was granted and commissions were issued for the taking of the depositions of John S. Calvert and Joseph Reeschell, which were filed with the Commission by Mr. Scarborough on August 5, 1902. No action, the Commission says, was taken in any of the cases mentioned until February 14, 1903, when under the provisions of section 41 of the Choctaw-Chickasaw supplemental agreement, the applicants were identified as full blood Mississippi Choctaws; that copies of the decision so identifying the applicants were forwarded^{to} the attorneys for the Choctaw and Chickasaw Nations February 21, 1903, who were advised that they would be allowed fifteen days from that date within which to file such protests as they might desire to make against the action of the Commission in identifying the applicants; that no protests were filed by the Nation within the prescribed time; and that on March 11, 1903, each of the principal applicants was furnished with a copy of the decision of February 14, 1903, and advised as follows:

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.

The Commission says that Messrs. Scarborough and Carver were never furnished with a copy of this decision nor have they been advised of the action of the Commission in identifying the ap-

licants as Mississippi Choctaws; that prior to the time the Commission notified the applicants of its decision the Commission was furnished with a copy of the Indian Appropriation Act approved March 3, 1903 (32 Stat., 932), which appropriated \$20,000.00 or so much thereof as might be necessary for the purpose of aiding indigent identified full blood Mississippi Choctaws to remove to the Indian Territory; that before the approval of this act the Commission had been overwhelmed with requests from attorneys and agents for lists of persons identified by the Commission as full blood Choctaws; that these requests were so numerous and as it appeared that the persons making them sought the information with the purpose of taking advantage of the illiteracy of the persons so identified, it was decided, for the protection of the full blood Choctaw Indians, to withhold the notifications to such persons "as appeared of record as their attorneys or agents until such time as provision was made by the Secretary of the Interior for the expenditure of the twenty thousand dollars appropriated by the Act of March 3, 1903; that on March 10, 1903, the Commission submitted for Departmental consideration a schedule of identified Mississippi Choctaws, numbered 7 to 1012 inclusive, which included the following:

No. 424 King Brandy,
789 William Cole,
892 Sam Baptiste,
886 Celestine Brandy.

No. 428 Joe Baptiste,
881 Mary Baptiste,
885 Louisa Baptiste,

This schedule was approved by the Department April 7, 1903,

and on June 1, 1903, the Commission made a Report relative to the removal of full blood identified Mississippi Choctaws from their homes in Mississippi to the Indian Territory. The Commission recommended

"That no recognition in the proceedings should be given to attorneys or agents, but that they who are to receive the benefits of this legislation should be dealt with directly so that there will be but two parties to the transaction, namely, the Indian and the Government."

July 2, 1903, (I.T.D. 4630-5283), the Department approved the Commission's recommendation and authorized the Commission to detail one of its employees to assist the full blood identified Mississippi Choctaws in removing to the Indian Territory, the moneys to be expended "by the Special Disbursing Agent of the Commission under the direction of the Commission." The Commission says that on July 23, 1903, H. Van V. Smith, Special Disbursing Agent of the Commission, was delegated a special agent of the government in the expenditure of this \$20,000.00; that he was directed to proceed to the State of Mississippi for the purpose of carrying out the provisions of the Act of March 3, 1903; that he was furnished with a list of all persons identified by the Commission to the Five Civilized Tribes as Mississippi Choctaws, showing date of their identification and the place of residence; that he immediately proceeded to Meridian, Mississippi, where on July 27, 1903, the following circular letter was issued and mailed to all persons

identified by the Commission as Mississippi Choctaws, on February 14,
1903:

SPECIAL NOTICE TO FULL BLOOD MISSISSIPPI CHOCTAWS.

Under instructions from the Secretary of the Interior, through the Dawes Commission, I have been charged with the expenditure of the \$20,000.00 appropriated by Congress to aid indigent full blood Mississippi Choctaws who have been identified as full blood Mississippi Choctaws by the Commission, and who desire to remove to the Indian Territory within the six months after the date of their identification as provided by law.

I have a list of all identified full blood Mississippi Choctaws. With many of them the six months will soon be passed.

Those identified full blood Mississippi Choctaws who wish to go to the Indian Territory are requested to call upon me or write to me immediately at Meridian, Mississippi and I will at once investigate their condition and provide free transportation and free rations as their status and circumstances may justify and require.

Prompt action is necessary for those whose six months limit has nearly expired, and it is desirable for all who wish to avail themselves of this effort of the Government's to assist them in getting their Indian rights.

None but identified full blood Mississippi Choctaws are included in this notice.

Meridian, Mississippi, July 27, 1903.

H. Van V. Smith,

Special Agent of the United
States Government.

Address: Federal Building, Meridian, Mississippi.

It is stated that a copy of this circular was mailed at Meridian, Mississippi, on July 27, 1903, to Joe Baptieste, at Flatwood, Louisiana, and to William Cole, Celestine Brandy, Mary Baptieste and King Brandy, at Boyce, Louisiana; that on the same date Mr. Smith directed communications to the postmasters at Flatwood and Boyce, Louisiana, advising them of the mailing of the letters

to the persons named and enclosing a copy of said circular letter. It appears that the concluding part of the letters to the postmasters are as follows:

If for any reason any of the above named persons do not receive mail at your postoffice, I will appreciate it if you will promptly advise me of this fact and of any change in their postoffice addresses of which you are cognizant. Please post the enclosed notice conspicuously.

The Commission says there is not a doubt but that its decision of February 14, 1903, reached all of the persons to the King Brandy case, for the reason that the Commission is in possession of return registry receipts that the circular letter of the Special Agent of the government dated July 27, 1903, was delivered or the Commission would have been otherwise advised by the post masters at Flatwood and Boyse, Louisiana, and attention is invited to the fact that Messrs. Scarborough and Carver, in their letter of September 23 last, did not advise the Department of the receipt by the persons to this case of the Commission's decision of February 14, 1903, and the Special Disbursing Agent's circular of July 27, 1903, and that they lay special stress upon the receipt of the circular letter issued by Winton and Owen, of which the Commission has no knowledge. The Commission concludes its report as follows:

In conclusion I desire to express the opinion that all of the persons identified as Mississippi Choctaws by the decisions of February 14, 1903, have been furnished all the notice contemplated by law of both the action of the Commission and the provisions made for their removal to the Choctaw-Chickasaw country by the special agent of the Government.

The Commission seems to have proceeded on the theory that the Department by approving its recommendation of June 3, 1903, desired that attorneys representing full blood Mississippi Choctaws be not advised of the Commission's decision. The office does not understand that this was the Department's intention. The removal of the Mississippi Choctaws had nothing whatsoever to do with notifying them and their attorneys of the different steps taken by the Commission with reference to the applications of the parties. The Commission should have unquestionably notified Messrs. Scarborough and Carver of its decision identifying the parties to the King Brandy case.

It is shown that the parties were identified on February 14, 1903, and that advice of such identification was not mailed to them until March 11, 1903. Almost a month of the time in which they are required to remove had elapsed before the Commission mailed them notice of their identification. It is believed by this office that the Commission should have notified them on Feby. 14, 1903 -- the date the decision was rendered, or at least the next day, of its action. The attorneys for the Choctaw and Chickasaw Nations were unquestionably entitled to notice of the Commission's action in this case, but the Commission should not have permitted the time within which the nation would have been allowed to protest to have run on the time within which the applicants were required to remove. It appears to this office that when the Commission found these appli-

cants were entitled to identification as Mississippi Chestaws the attorneys for the nations should have been advised that they would be allowed a stated time within which to protest against such proposed action of the Commission, and the decision should not have been rendered until after the time allowed the attorneys to file a protest had expired. If this had been done these identified applicants would have had six months in which to remove from their homes in Louisiana to the Indian Territory, as provided by the law, but under the method pursued by the Commission they had but a few days over the five months in which to remove.

Inasmuch as it appears that the Commission permitted almost a month of the time allowed identified Mississippi Chestaws in which to remove to run before these applicants were notified and considering the fact that the Commission did not notify the attorneys of record for these applicants of its decision, the office does not believe that these parties should be deprived of their rights if they have removed to the Indian Territory or if they remove to the Indian Territory within six months from the date upon which the Commission hereafter notifies them and their attorneys of their identification. They are full blood Indians, unable to speak the English language and, of course, cannot read and write, and the fact that their attorneys did not call to the Department's attention that the applicants had in their possession the Commission's letter of March 11, 1903, does not militate against

the rights of the applicants nor tend to approve of the manner in which the Commission handled the matter after rendering its decision of February 14 last. It is, therefore, respectfully recommended that the Commission be instructed to advise these applicants and their attorneys that under the circumstances they will be allowed six months from the date of the notice within which to remove to and settle in the Indian Territory, and that the fact that they have not heretofore removed, if they have not removed, will not be permitted to prejudice their rights, it being believed by the office that the Commission's action in withholding notice from the attorneys of record for these parties is not such a full and complete identification of them as is required by law, the attorneys as hereinbefore stated, being entitled to notice of each and every action of the Commission pertaining to the identification or rejection of the applicants.

Very respectfully,

Commissioner

G. A. W.
H. E. R.

D.C. 22942-1903.

YTD 2262-1903.
L.R.S.

(COPY).

DEPARTMENT OF THE INTERIOR.
WASHINGTON, November 24, 1902.

J. P.
WDR.

The Commission

to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

It appears from your report of November 8, 1902, relative to the Mississippi Choctaw case of King Brandy, et al., that on November 10, 1902, D. C. Scarborough, of Natchitoches, Louisiana, presented to your Commission certain full blood Choctaws living in Louisiana, as applicants for identification as Mississippi Choctaws, viz: King Brandy, Joe Baptiste, William Cole, Mary Baptiste and her two minor children, Sam and Louisa Baptiste, and Celestine Brandy.

These applicants, you report, were unable to speak the English language (and of course could not read or write such language) and their examination was conducted through an interpreter. You did not finally act on the case mentioned until February 14, 1903, when under the provisions of Section 41 of Choctaw-Chickasaw supplemental agreement contained in the act of July 1, 1902 (32 Stat, 641), the applicants were identified as full blood Mississippi Choctaws.

Copies, it appears, of your decision were forwarded to the attorneys for the Choctaw and Chickasaw Nations February 21, 1903, and they were advised that they would be allowed fifteen days from that date within which to file their objections to the decision.

-2-

against the action of your Commission. No protests it seems were filed by the said attorneys within the prescribed time.

On March 11, 1903, you report each of the principal applicants was mailed a copy of the decision of February 14, 1903, and as the Department approved, January 23, 1903, an opinion of the Assistant Attorney General, in which it was stated that the period of six months allowed for making bona fide settlement within the Choctaw-Chickasaw country, Indian Territory, as provided in the act of July 1, 1902, by persons duly identified as Mississippi Choctaws, begins to run from the date of their identification by your Commission, you advised each of them that if they removed to the Choctaw-Chickasaw country before August 14, 1903, they would have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement.

You do not claim that the applicants were not at that time represented by attorneys. These attorneys, Messrs. Scarborough & Carver, of Natchitoches, La., were never furnished with a copy of your decision, and you state "nor have they been advised of the action of the Commission in identifying the applicants as Mississippi Choctaws."

You report that prior to the time you notified the applicants of your decision you had been furnished a copy of the act of March 3, 1903 (32 Stats., 982), which made an appropriation of \$20,000.00 for the purpose of aiding indigent identified full blood Mississippi Choctaws to remove to the Indian Territory, and you state that before the approval of this act your Commission had been overwhelmed with requests from attorneys and agents for lists of

persons identified by your Commission as Mississippi Choctaws; that these requests were so numerous, and as apparently the information was only sought with the purpose and idea of taking advantage of the illiteracy of the persons thus identified, it was decided, for the protection of the full blood Choctaw Indians, to withhold the notification to such persons as appeared of record as their attorneys or agents until such time as provision was made by the Department for the expenditure of the money appropriated by said act of March 3, 1903

On March 10, 1903, you submitted to the Department a schedule of identified Mississippi Choctaws which included the claimants above mentioned which schedule was approved by the Department on April 7, 1903.

While it is true that on July 3, 1903, the Department approved, as you state, your report of June 1, 1903, relative to the removal of full blood Mississippi Choctaws from their homes in Mississippi to the Indian Territory, in which it was recommended that no recognition in the proceedings relative to such removal should be given to attorneys or agents, but that they who were to receive the benefits of the legislation mentioned should be dealt with directly so that there would be but two parties to the transaction, the Indian and the Government, it was not, of course, contemplated that attorneys representing applicants should not be advised of any action by your Commission affecting their claims to identification, or particularly of your decision identifying them as Mississippi Choctaws.

You inform the Department, though apparently it has no material bearing upon the question of the rights of the applicants,

that the special agent of the Government in the expenditure of said \$20,000.00, issued a circular, which you quote, "To full blood Mississippi Choctaws," requesting, among other things, those identified full blood Mississippi Choctaws who wished to go to the Indian Territory to call upon or write ^{to} him immediately, and they were informed that he would investigate their condition and provide free transportation and free rations as their status and circumstances justified and required.

It seems that a copy of this circular was mailed at Meridian, Mississippi, on July 27, 1903, to Joe Baptiste, at Flatwood, Louisiana, and to William Cole, Celestine Brandy, Mary Baptiste and King Brandy, at Boyce, Louisiana.

There appears, you state, no doubt that notice of your decision of February 14, 1903, reached all of the applicants as you have in your possession return registry receipts therefor.

You express the opinion that all of the persons identified as Mississippi Choctaws by the decision of February 14, 1903, have been furnished all the notice contemplated by law, of both the action of your Commission and of the provisions made for their removal to the Choctaw-Chickasaw country by the special agent of the Government.

Considering the circumstances in this case, especially the fact that the parties relied upon their attorneys, being ignorant of the English language, said circular letter of July 27, 1903, was of as little service to them as the notice of March 11, 1903. The material question is whether your letters of March 11, 1903, to the applicants advising them of your decision identifying them as Mississippi Choctaws, was a sufficient notice, in view of the fact that they were

represented by attorneys who did not receive proper notice.

Reporting in the matter November 18, 1903, the Commissioner of Indian Affairs states that unquestionably your Commission should have properly notified Messrs. Scarborough & Carver of your decision identifying said applicants; that at best the advice to the applicants of their identification was not mailed to them until almost a month after the identification, which, if time had begun to run from the date of your decision identifying them, only gave them about five months in which to remove.

While there can be no question that all parties in interest in any case should be advised of any action affecting their interests with as little delay as possible, the Department does not agree with the Commissioner in certain views expressed as to notice in such cases. It does agree with his conclusions that these Indians should not be deprived of their rights if they have removed to the Indian Territory, or if they remove there within six months from the date your Commission hereafter notified them of their identification.

You are, therefore, directed to give said attorneys, Messrs Scarborough & Carver, notice, by registered letter or personally, in accordance herewith.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M C R 5131

Muskogee, Indian Territory, December 23, 1903.

William Cole,

Boyer, Louisiana.

Dear Sir:

In the matter of the application of William Cole, for identification as a Mississippi Choctaw, the Commission is directed by the Secretary of the Interior to notify you that you will be allowed six months from the date of this notice within which to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory.

If you remove to the Choctaw-Chickasaw country, Indian Territory, before June 23, 1904, you will have six months from that date, or until December 23, 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,

Registered.

Chairman.

No. 5131

For Identification as a Mississippi Choctaw.

Date

APR 10 1902

Name William Cole,

Age 60 Blood full.

Post Office, Boyer, La.

Father: Illetubbi, f.h.

Mother: Eliza — f.h. d

Claims through both parents,
wife dead, f.h.

Children:

For ref alone

109

William Cole.

IDENTIFIED

P. 5131

MAR 11 1903

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

Mar 24, 1903. D. S. 8252. 0031. Secty of
Interior directs as notice to applicant
of Scarborough, Me. Case 2012211.
and applicant allowed six months from
date of said notice to remove to and
take settlement in the U.S. - Chickasaw
Country.

in notice aforesaid - month within which
applicant and make settlement in U.S.
applicant Dec 23, 1903.

Choctaw MCR 5132

Joe Baptiste

MCR 5132

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Joe Baptieste for
identification as a Mississippi Choctaw, M.C.R. 5132.

-----o-----

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Joe Baptieste for
identification as a Mississippi Choctaw, M.C.R. 5132.

--: I N D E X :--

	(Page)
Original application of Joe Baptieste before the Dawes Commission for identifi- cation as a Mississippi Choctaw.....	1
Testimony of A. Telle taken at Muskogee, Ind. Ter. April 10, 1902.....	6
Decision of the Commission identifying above applicant....	8

-----o-----

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. April 10, 1902.

5132

In the matter of the application of Joe Baptieste for identification as a Mississippi Choctaw.

D.C. Scarborough, att'y for applicant.

Joe Baptieste being duly sworn testified as follows:

Examination by the Commission:
(Through A. Telle, who, being sworn, acted as interpreter:)

- Q What is your name? A Joe Baptieste.
- Q Do you make application just for yourself? A He says if possible he would like to apply for his three grown children.
- Q Has he got a wife? A He says he hasn't-- no she is not dead, but she left him about fifteen years ago.
- Q What is your age? A About forty five.
- Q What is your post office address? A Flatwood, Louisiana.
- Q How long have you lived in Louisiana? A He says he was born about forty miles South of where he is. He was born and raised in Louisiana.
- Q And have always lived there? A Yes sir.
- Q What is your father's name? A Baptieste. Just Baptieste, that's the name.
- Q Did his father have an Indian name? A His father's name was Hai-yak-et-ubbi. (Mr. Telle says those fellows that wrote it there might spell it Hi- instead of Hai-)
- Q Is he dead or living? A He is dead.
- Q Is your mother living? A She is dead.
- Q What was her name? A He says his mother's name was Easter.
- Q Were both full blood Choctaw Indians? A Yes sir.
- Q Are you a full blood Choctaw Indian? A Yes sir.
- Q Do you claim through both father and mother? A Yes sir.
- Q Where was your father born and where did he live all his life?
A He doesn't know where he was born but he lived until he was about grown in Mississippi as far as he can say.

- Q How old would his father be if living now? A He has been dead over thirty years.
- Q How old was he when he died? A He don't know; he says he was a good deal over thirty years.
- Q Was he living in 1830? A Yes, he thinks he was living then.
- Q In Mississippi? A Yes sir.
- Q Are you married now? A No sir.
- Q Have you any children over twenty one years of age or under?
- ✓ A I have three children over twenty one years of age.
- Q Are they here now? A He says he don't know the ages of the children; the youngest one is about fifteen years of age; he thinks two of them are over age and the other is about fifteen; it was very small when his wife left that country.
- Q What was the name of the oldest child? A Auguste.
- Q How old is Auguste? A He says he don't know how old, but he was a grown man.
- Q Was he married? A Yes sir.
- Q What is the name of the next child? A It is a French name; E-z-e-i-m-a.
- Q Is that a girl or boy? A That's a girl.
- Q Is she married? A Yes sir.
- Q What is her husband's name? A Says he don't know; she married a Choctaw.
- Q What is the name of the next child? A He says the first name sounds like Sylvia; it is a girl.
- Q How old is Sylvia? A Don't know.
- Q Is she twenty one? A About.
- Q Or is she twenty? A Yes sir.
- Q Is she married? A Yes sir.
- Q What is her husband's name? A Don't know; Choctaw though.
- Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities, or the authorities of the United States in the Indian Territory? A No, not that I know of.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, I don't think it is.
- Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for citizenship in the Choctaw Nation?
- A No sir.
- Q Have you ever made application 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 made application for citizenship in the Choctaw Nation to the Dawes Commission at any time? A No.
- Q This is the first application that you have ever made?
- A Yes, this is the first appearance before the Commission.
- Q You never have been admitted to citizenship in the Choctaw Nation by any authority whatever have you? A No sir.
- Q Do you now want 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 He says "I have heard it read and I don't know that I could understand it any better."
- Q Do you want to have it explained further? A He says he don't care about having it read any more.
- Q Don't care to have it explained? 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 head of the family or a portion of it. Persons who claim under this article shall not 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 Choctaw ancestors complied or attempted to comply with any of the provisions of article fourteen as read to you? A I don't know sir.

Q What is the name of the ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A He says through my mother who lived in Mississippi and started to this country West and got into Louisiana and her two sisters I heard died there and they just stopped there, and I was born there.

Q What was that mother's name? A Fil-e-ta-ho-na.

Q How old was your mother when she died? A She was something over thirty years old.

Q Whendid she die? A When I was very small.

Q You are forty five now? A Yes sir.

Q Did she die forty years ago? A Yes sir. It has been over forty years since she died.

Q Was she born in Mississippi in 1830? A Well, yes she lived there at that time.

Q How old was she in 1830 a little girl or a big woman?

A She was not grown at that time.

Q Was she married at that time? A No she was not.

Q Did she claim through her father and mother both? A Her father and mothe were both Choctaws; they both died in Mississippi.

Q Were they living in Mississippi in 1830; when your mother left that country? A To the best of my information they were living there.

Q What was the name of your mother's father? A I don't know.

Q What was the name of your mother's mother? A I don't know; I never saw them.

Q You claim then that your mother's father and mother both lived in Mississippi in 1830? and had a family of children there then of whom your mother was one? A Yes sir.

Q But you cannot call the name of your grandfather or grandmother on your mother's side? A No sir.

Q Can you tell the name of your grandfather or grandmother on your father's side? A I don't know the name of either.

Q What was the name of your father? A Hai-yak-et-ubbi; then he was known by the English name of Baptieste.

Q You don't know his father's or mother's name? A I don't know.

Q Did any of your Choctaw ancestors on either your father or your mother's side own any improvements on land in Mississippi or Alabama in 1830? A No, 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 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 Who was it was living in Mississippi and went to the Indian Territory between 1833 and 1838, if anybody? A I don't know.

Q Your mother started from Mississippi and got as far as Louisiana and died there, didn't she? A Yes sir.

Q She got no farther than that? A No sir.

Q And you were born where she stopped in Louisiana? A Yes sir.

Q Did any of your Choctaw ancestors own any land in Mississippi or Alabama or claim any in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

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

The 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 the fourteenth article of that treaty to go to the United States Indian agent and tell him that they wanted to stay 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 known as Ward's Register, and his neglect to do so caused the Government of the United States to take from the Indians the lands which they held in Mississippi at its Public Land Sale and sold it. This caused so many complaints that in the year 1837 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 by an act approved August 23, that year, for the same purpose 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 two Commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government under the act of Congress approved August 23, 1842, 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 don't know.

Q Have any of your relatives been here before the Commission to be identified as Mississippi Choctaws before this date and before your application? A I don't know of any except those that have appeared this date.

Q What relations have you here today that are kin to you? A He says the others are not really kin to him-- but I have a brother here

Q He has not appeared yet? A No sir.

Q What is his name? A Amos Blue eye.

Q Do you want to have your testimony considered with that of Amos Blueeye when he has made a record here? A I want any testimony that may be presented in our case to go for the benefits of all of us under the instructions of our attorney.

Q Is Amos your full brother? A He says we have the same mother but different father.

Q Amos' father had some white blood didn't he? A He may have but he claimed to be full blood Choctaw; but he don't know as the father of Amos Blue eye came from Mississippi.

Q Anything more you want to say? A I know of nothing else I can say.

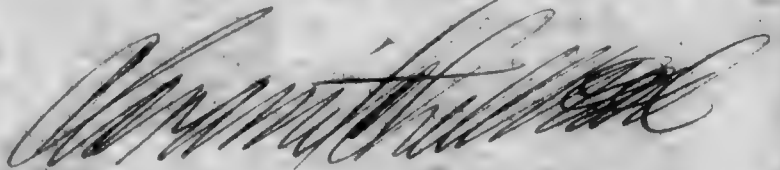
Reasonable time will be allowed this applicant in which to introduce proper evidence in support of his case.

This applicant has the appearance and physical characteristics of being descended from full blood Choctaw Indian father and full blood Choctaw Indian mother; he has all the characteristics of being Choctaw Indian; he does not speak English, his testimony having been given entirely by means of his Choctaw interpreter, A. Telle; he has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being 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 10, 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 3rd day of May, 1902.



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
Lisa Scott et al.,	M.C.R. 5127
King Brandy,	M.C.R. 5128
Mary Baptiste et al.,	M.C.R. 5129
Celestine Brandy,	M.C.R. 5130
William Cole,	M.C.R. 5131
Joe Baptiste	M.C.R. 5132
Amos Blue-eyes 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, 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.


Notary Public.

over

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Joe Baptieste for identification as a Mississippi Choctaw, M.C.R. 5132.

DECISION

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on April 10, 1902, by Joe Baptieste 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.

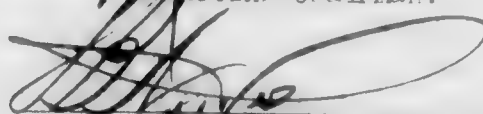
Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902 (32 Stats., 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

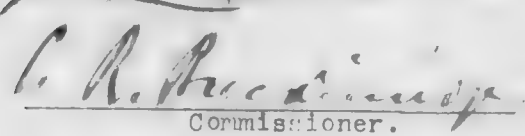
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants 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 Joe Baptieste should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

COPY.

M.C.R. 5132

Muskogee, Indian Territory, February 21, 1903.

Kansfield, 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 Joe Baptiste 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 Joe Baptiste 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)

Registered.

Enc. M.C.R. 5132.

Tame Luby.

Chairman.

M.C.R. 5132

COPY.

Muskogee, Indian territory March 11, 1903.

Joe Baptiste,
Flatwood, Louisiana.

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 Thisomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

Tamus Dixie
Chairman.

Registered.

Enc. 5132

Land.
73606-1903.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, November 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter dated October 13, 1903, (I.T.D. 8519), transmitting to the Commission to the Five Civilized Tribes, for immediate report and recommendation, a communication addressed to the Secretary on September 23 last by Messrs. Scarborough and Carver, of Natchitoches, Louisiana, enclosing copies of certain communications relative to the Mississippi Choctaw case of King Brandy, et al., and urging that the six months allowed identified Mississippi Choctaws in which to remove to the Choctaw-Chickasaw country should begin to run from the date the attorneys are notified, I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated November 5, 1903, returning said letter.

Messrs. Scarborough and Carver, with their letter of September 23 enclose what purports to be a copy of a circular letter sent to people in Mississippi alleged to have been identified as Mississippi Choctaws. This letter seems to have been sent out June 2, 1903, by Winton and Owen. They also enclose a copy of the Commission's letter of September 2, 1902, to D.C. Scarborough; copy

of the Commission's letter of September 2, 1903, to Scarborough and Carver; copy of Scarborough and Carver's letter of September 9, 1903, to the Commission; and copy of the Commission's letter of September 19 last to them. Messrs. Scarborough and Carver in their letter of September 23 say that in the spring of 1902, they took up the case of --- two sets of clients living in their parish; that they had known these people for the last twenty-five years; that the Wallett family, a family of mixed blood Indians, was refused identification by the Commission; that the King Brandy^{family} have lived in the vicinity referred to for forty years; and that they are full blood Mississippi Choctaw Indians. They say they took charge of this case well knowing that any agreement with them that they might enter into concerning their compensation would be utterly null and void and of no effect in law; that they took charge of the case partly through sympathy and partly with the hope that these parties would some day compensate them for their trouble and the money expended in their behalf; that the King Brandy case was submitted a short time after the Wallett case, which was decided by the Commission December 2, 1902; that not hearing from the decision in the Brandy case and wanting to know when a decision might be expected they wrote the Commission August 29, 1903, asking "when we might expect a decision in the King Brandy consolidated case No. 5127 to No. 5134, and received in answer thereto letter marked "A" exhibit hereto annexed find a copy". The Commission quotes from Messrs. Scarborough and Carver's letter at considerable length. The substance of their let-

ter is that they were not notified of the Commission's decision; that the persons referred to are not able to speak the English language and that, of course, they cannot read or write the same; and that they, as the attorneys for these applicants, were not notified of the Commission's decision. They ask that the applicants be not deprived of their right to share in the distribution of the Choctaw estate. The Commission says that apparently the question upon which the Department desires a report and recommendation are, as follows:

1st. Whether or not the six months within which identified Mississippi Choctaws have to remove to and make settlement within the Choctaw-Chickasaw country begins to run from the date of their identification by the Commission to the Five Civilized Tribes, the date of the approval of the action of the Commission by the Secretary of the Interior, or the date of notice to the attorneys for the applicants.

2nd. By what authority was the letter of Messrs. Winton and Owen, of June 2, 1903, marked exhibit "C", issued and forwarded to the clients of Messrs. Scarborough and Carver.

3rd. Why Messrs. Scarborough and Carver were not advised of and furnished with a copy of the decision identifying King Brandy, et al., as Mississippi Choctaws, similar to the notice of September 2, 1902, advising them of the unfavorable decision in the matter of the application of Roselia Wallette, et al.

The first proposition, the Commission says, was disposed of by the Assistant Attorney General in his opinion of January 23, last (I.T.D. 7026), wherein it was stated:

I am of the opinion and so advise you that the period of six months allowed for making bona fide settlement within the Choctaw-Chickasaw country by persons duly identified as Mississippi Choctaws, begins to run from the date of their identification by the Commission to the Five Civilized Tribes.

With reference to the second question, being the letter of Winton and Owen, the Commission says it has no knowledge of such letter; that it was issued without the knowledge or sanction of the Commission and that it did not emanate from it.

The proceedings relative to the Wallett case are then mentioned, but as these people have been refused identification and the decision of the Commission has been affirmed by the Department, and as it does not appear that Messrs. Scarborough and Carver made any complaint concerning this case, it is unnecessary to discuss it. The Commission further says that on April 10, 1902, D.C. Scarborough of Natchitoches, Louisiana, presented a number of full blood Choctaws as applicants for identification as Mississippi Choctaws; that on said date the Commission heard and made a full record in the matter of the application for identification of the following named persons:

King Brandy,	Mary Baptieste and her two
Joe Baptieste,	minor children, Sam and
William Cole,	Louisa Baptieste.
Celestine Brandy.	

It is stated that the applicants above-named were unable to speak the English language; that their examination was conducted through an interpreter, Mr. Alinton Telle, a citizen by blood of the Choctaw Nation; and that at the time Mr. Scarborough, in each of the above-named cases, asked for a reasonable time within which to procure and introduce

*the evidence of Jehn S. Calvert and Joseph Roeschell, of the parish of Natchitoches, state of Louisiana; such evidence to be used in the application of King Brandy and various other Mississippi Choctaws applying for identification on April 10, 1902, all of whom are related and

constitute what might be designated as the Natchitoches tribe of Mississippi Choctaws residing in the extreme lower limits of the parish of Natchitoches, Louisiana.

This request was granted and commissions were issued for the taking of the depositions of John S. Culvert and Joseph Reeschell, which were filed with the Commission by Mr. Scarborough on August 5, 1902. No action, the Commission says, was taken in any of the cases mentioned until February 14, 1903, when under the provisions of section 41 of the Choctaw-Chickasaw supplemental agreement, the applicants were identified as full blood Mississippi Choctaws; that copies of the decision so identifying the applicants were forwarded ^{to} the attorneys for the Choctaw and Chickasaw Nations February 21, 1903, who were advised that they would be allowed fifteen days from that date within which to file such protests as they might desire to make against the action of the Commission in identifying the applicants; that no protests were filed by the Nation within the prescribed time; and that on March 11, 1903, each of the principal applicants was furnished with a copy of the decision of February 14, 1903, and advised as follows:

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.

The Commission says that Messrs. Scarborough and Carver were never furnished with a copy of this decision "nor have they been advised of the action of the Commission in identifying the ap-

plicants as Mississippi Choctaws; that prior to the time the Commission notified the applicants of its decision the Commission was furnished with a copy of the Indian Appropriation Act approved March 3, 1903 (32 Stat., 982), which appropriated \$20,000.00 or so much thereof as might be necessary for the purpose of aiding indigent identified full blood Mississippi Choctaws to remove to the Indian Territory; that before the approval of this act the Commission had been overwhelmed with requests from attorneys and agents for lists of persons identified by the Commission as full blood Choctaws; that these requests were so numerous and as it appeared that the persons making them sought the information with the purpose of taking advantage of the illiteracy of the persons so identified, it was decided, for the protection of the full blood Choctaw Indians, to withhold the notifications to such persons "as appeared of record as their attorneys or agents until such time as provision was made by the Secretary of the Interior for the expenditure of the twenty thousand dollars appropriated by the Act of March 3, 1903; that on March 10, 1903, the Commission submitted for Departmental consideration a schedule of identified Mississippi Choctaws, numbered 7 to 1012 inclusive, which included the following:

No. 424 King Brandy,
789 William Cole,
882 Sam Baptiste,
886 Celestine Brandy.

No. 428 Joe Baptiste,
881 Mary Baptiste,
883 Louisa Baptiste,

This schedule was approved by the Department April 7, 1903,

and on June 1, 1903, the Commission made a report relative to the removal of full blood identified Mississippi Choctaws from their homes in Mississippi to the Indian Territory. The Commission recommended

"That no recognition in the proceedings should be given to attorneys or agents, but that they who are to receive the benefits of this legislation should be dealt with directly so that there will be but two parties to the transaction, namely, the Indian and the Government."

July 2, 1903, (I.T.D. 4630-5283), the Department approved the Commission's recommendation and authorized the Commission to detail one of its employees to assist the full blood identified Mississippi Choctaws in removing to the Indian Territory, the money to be expended "by the Special Disbursing Agent of the Commission under the direction of the Commission." The Commission says that on July 23, 1903, H. Van V. Smith, Special Disbursing Agent of the Commission, was delegated a special agent of the government in the expenditure of this \$20,000.00; that he was directed to proceed to the State of Mississippi for the purpose of carrying out the provisions of the Act of March 3, 1903; that he was furnished with a list of all persons identified by the Commission to the Five Civilized Tribes as Mississippi Choctaws, showing date of their identification and the place of residence; that he immediately proceeded to Meridian, Mississippi, where on July 27, 1903, the following circular letter was issued and mailed to all persons

identified by the Commission as Mississippi Choctaws, on February 14,
1903:

SPECIAL NOTICE TO FULL BLOOD MISSISSIPPI CHOCTAWS.

Under instructions from the Secretary of the Interior, through the Dawes Commission, I have been charged with the expenditure of the \$20,000.00 appropriated by Congress to aid indigent full blood Mississippi Choctaws who have been identified as full blood Mississippi Choctaws by the Commission, and who desire to remove to the Indian Territory within the six months after the date of their identification as provided by law.

I have a list of all identified full blood Mississippi Choctaws. With many of them the six months will soon be passed.

Those identified full blood Mississippi Choctaws who wish to go to the Indian Territory are requested to call upon me or write to me immediately at Meridian, Mississippi and I will at once investigate their condition and provide free transportation and free rations as their status and circumstances may justify and require.

Prompt action is necessary for those whose six months limit has nearly expired, and it is desirable for all who wish to avail themselves of this effort of the Government's to assist them in getting their Indian rights.

None but identified full blood Mississippi Choctaws are included in this notice.

Meridian, Mississippi, July 27, 1903.

H. Van V. Smith,

Special Agent of the United
States Government.

Address: Federal Building, Meridian, Mississippi.

It is stated that a copy of this circular was mailed at Meridian, Mississippi, on July 27, 1903, to Joe Baptiste, at Flatwood, Louisiana, and to William Cole, Celestine Brandy, Mary Baptiste and King Brandy, at Boyce, Louisiana; that on the same date Mr. Smith directed communications to the postmasters at Flatwood and Boyce, Louisiana, advising them of the mailing of the letters

to the persons named and enclosing a copy of said circular letter. It appears that the concluding part of the letters to the postmasters are as follows:

If for any reason any of the above named persons do not receive mail at your postoffice, I will appreciate it if you will promptly advise me of this fact and of any change in their postoffice addresses of which you are cognizant. Please post the enclosed notice conspicuously.

The Commission says there is no doubt but that its decision of February 14, 1903, reached all of the persons to the King Brandy case, for the reason that the Commission is in possession of return registry receipts that the circular letter of the special agent of the government dated July 27, 1903, was delivered or the Commission would have been otherwise advised by the post masters at Flatwood and Boyce, Louisiana, and attention is invited to the fact that Messrs. Scarborough and Carver, in their letter of September 23 last, did not advise the Department of the receipt by the persons to this case of the Commission's decision of February 14, 1903, and the Special Disbursing Agent's circular of July 27, 1903, and that they lay special stress upon the receipt of the circular letter issued by Winton and Owen, of which the Commission has no knowledge. The Commission concludes its report as follows:

In conclusion I desire to express the opinion that all of the persons identified as Mississippi Choctaws by the decisions of February 14, 1903, have been furnished all the notice contemplated by law of both the action of the Commission and the provisions made for their removal to the Choctaw-Chickasaw country by the special agent of the Government.

The Commission seems to have proceeded on the theory that the Department by approving its recommendation of June 3, 1903, desired that attorneys representing full blood Mississippi Choctaws be not advised of the Commission's decision. The office does not understand that this was the Department's intention. The removal of the Mississippi Choctaws had nothing whatsoever to do with notifying them and their attorneys of the different steps taken by the Commission with reference to the applications of the parties. The Commission should have unquestionably notified Messrs. Scarborough and Carver of its decision identifying the parties to the King Brandy case.

It is shown that the parties were identified on February 14, 1903, and that advice of such identification was not mailed to them until March 11, 1903. Almost a month of the time in which they are required to remove had elapsed before the Commission mailed them notice of their identification. It is believed by this office that the Commission should have notified them on Feby. 14, 1903 -- the date the decision was rendered, or at least the next day, of its action. The attorneys for the Choctaw and Chickasaw Nations were unquestionably entitled to notice of the Commission's action in this case, but the Commission should not have permitted the time within which the nation would have been allowed to protest to have run on the time within which the applicants were required to remove. It appears to this office that when the Commission found these appli-

cants were entitled to identification as Mississippi Choctaws the attorneys for the nations should have been advised that they would be allowed a stated time within which to protest against such proposed action of the Commission, and the decision should not have been rendered until after the time allowed the attorneys to file a protest had expired. If this had been done these identified applicants would have had six months in which to remove from their homes in Louisiana to the Indian Territory, as provided by the law, but under the method pursued by the Commission they had but a few days over the five months in which to remove.

Inasmuch as it appears that the Commission permitted almost a month of the time allowed identified Mississippi Choctaws in which to remove to run before these applicants were notified and considering the fact that the Commission did not notify the attorneys of record for these applicants of its decision, the office does not believe that these parties should be deprived of their rights if they have removed to the Indian Territory or if they remove to the Indian Territory within six months from the date upon which the Commission hereafter notifies them and their attorneys of their identification. They are full blood Indians, unable to speak the English language and, of course, cannot read and write, and the fact that their attorneys did not call to the Department's attention that the applicants had in their possession the Commission's letter of March 11, 1903, does not militate against

the rights of the applicants nor tend to approve of the manner in which the Commission handled the matter after rendering its decision of February 14 last. It is, therefore, respectfully recommended that the Commission be instructed to advise these applicants and their attorneys that under the circumstances they will be allowed six months from the date of the notice within which to remove to and settle in the Indian Territory, and that the fact that they have not heretofore removed, if they have not removed, will not be permitted to prejudice their rights, it being believed by the office that the Commission's action in withholding notice from the attorneys of record for these parties is not such a full and complete identification of them as is required by law, the attorneys as hereinbefore stated, being entitled to notice of each and every action of the Commission pertaining to the identification or rejection of the applicants.

Very respectfully,

Commissioner.

G. A. W.
H. S. R.

D.C. 32948-1903.

(COPY).

J. P.
WHR.

IFD 3252-1903.
L.R.S.

DEPARTMENT OF THE INTERIOR.

WASHINGTON, November 24, 1903.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

It appears from your report of November 5, 1903, relative to the Mississippi Choctaw case of King Brandy, et al., that on November 10, 1902, D. C. Scarborough, of Natchitoches, Louisiana, presented to your Commission certain full blood Choctaws living in Louisiana, as applicants for identification as Mississippi Choctaws, viz: King Brandy, Joe Baptiste, William Cole, Mary Baptiste and her two minor children, Sam and Louisa Baptiste, and Celestine Brandy.

These applicants, you report, were unable to speak the English language (and of course could not read or write such language) and their examination was conducted through an interpreter. You did not finally act on the case mentioned until February 14, 1903, when under the provisions of Section 41 of Choctaw-Chickasaw supplemental agreement contained in the act of July 1, 1902 (32 Stat, 641), the applicants were identified as full blood Mississippi Choctaws.

Copies, it appears, of your decision were forwarded to the attorneys for the Choctaw and Chickasaw Nations February 21, 1903, and they were advised that they would be allowed fifteen days from that date within which to file any protest as they might desire.

against the action of your Commission. No protests it seems were filed by the said attorneys within the prescribed time.

On March 11, 1903, you report each of the principal applicants was mailed a copy of the decision of February 14, 1903, and as the Department approved, January 23, 1903, an opinion of the Assistant Attorney General, in which it was stated that the period of six months allowed for making bona fide settlement within the Choctaw-Chickasaw country, Indian Territory, as provided in the act of July 1, 1902, by persons duly identified as Mississippi Choctaws, begins to run from the date of their identification by your Commission, you advised each of them that if they removed to the Choctaw-Chickasaw country before August 14, 1903, they would have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement.

You do not claim that the applicants were not at that time represented by attorneys. These attorneys, Messrs. Scarborough & Carver, of Natchitoches, La., were never furnished with a copy of your decision, and you state "nor have they been advised of the action of the Commission in identifying the applicants as Mississippi Choctaws."

You report that prior to the time you notified the applicants of your decision you had been furnished a copy of the act of March 3, 1903 (32 Stats., 982), which made an appropriation of \$20,000.00 for the purpose of aiding indigent identified full blood Mississippi Choctaws to remove to the Indian Territory, and you state that before the approval of this act your Commission had been overwhelmed with requests from attorneys and agents for lists of

persons identified by your Commission as Mississippi Choctaws; that these requests were so numerous, and as apparently the information was only sought with the purpose and idea of taking advantage of the illiteracy of the persons thus identified, it was decided, for the protection of the full blood Choctaw Indians, to withhold the notification to such persons as appeared of record as their attorneys or agents until such time as provision was made by the Department for the expenditure of the money appropriated by said act of March 3, 1903

On March 10, 1903, you submitted to the Department a schedule of identified Mississippi Choctaws which included the claimants above mentioned which schedule was approved by the Department on April 7, 1903.

While it is true that on July 2, 1903, the Department approved, as you state, your report of June 1, 1903, relative to the removal of full blood Mississippi Choctaws from their homes in Mississippi to the Indian Territory, in which it was recommended that no recognition in the proceedings relative to such removal should be given to attorneys or agents, but that they who were to receive the benefits of the legislation mentioned should be dealt with directly so that there would be but two parties to the transaction, the Indian and the Government, it was not, of course, contemplated that attorneys representing applicants should not be advised of any action by your Commission affecting their claims to identification, or particularly of your decision identifying them as Mississippi Choctaws.

You inform the Department, though apparently it has no material bearing upon the question of the rights of the applicants,

that the special agent of the Government in the expenditure of said \$20,000.00, issued a circular, which you quote, "To full blood Mississippi Choctaws," requesting, among other things, those identified full blood Mississippi Choctaws who wished to go to the Indian Territory to call upon or write ^{to} him immediately, and they were informed that he would investigate their condition and provide free transportation and free rations as their status and circumstances justified and required.

It seems that a copy of this circular was mailed at Meridian, Mississippi, on July 27, 1903, to Joe Baptiste, at Flatwood, Louisiana, and to William Cole, Celestine Brandy, Mary Baptiste and King Brandy, at Boyce, Louisiana.

There appears, you state, no doubt that notice of your decision of February 14, 1903, reached all of the applicants as you have in your possession return registry receipts therefor.

You express the opinion that all of the persons identified as Mississippi Choctaws by the decision of February 14, 1903, have been furnished all the notice contemplated by law, of both the action of your Commission and of the provisions made for their removal to the Choctaw-Chickasaw country by the special agent of the Government.

Considering the circumstances in this case, especially the fact that the parties relied upon their attorneys, being ignorant of the English language, said circular letter of July 27, 1903, was of as little service to them as the notice of March 11, 1903. The material question is whether your letters of March 11, 1903, to the applicants advising them of your decision identifying them as Mississippi Choctaws, was a sufficient notice, in view of the fact that they were

represented by attorneys who did not receive proper notice.

Reporting in the matter November 18, 1903, the Commissioner of Indian Affairs states that unquestionably your Commission should have properly notified Messrs. Scarborough & Carver of your decision identifying said applicants; that at best the advice to the applicants of their identification was not mailed to them until almost a month after the identification, which, if time had begun to run from the date of your decision identifying them, only gave them about five months in which to remove.

While there can be no question that all parties in interest in any case should be advised of any action affecting their interests with as little delay as possible, the Department does not agree with the Commissioner in certain views expressed as to notice in such cases. It does agree with his conclusions that these Indians should not be deprived of their rights if they have removed to the Indian Territory, or if they remove there within six months from the date your Commission hereafter notified them of their identification.

You are, therefore, directed to give said attorneys, Messrs Scarborough & Carver, notice, by registered letter or personally, in accordance herewith.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M C R 5132

Muskogee, Indian Territory, December 23, 1903.

Joe Baptieste,

Flatwoods, Indian Territory.

Dear Sir:

In the matter of the application of Joe Baptieste, for identification as a Mississippi Choctaw, the Commission is directed by the Secretary of the Interior to notify you that you will be allowed six months from the date of this notice within which to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory.

If you remove to the Choctaw-Chickasaw country, Indian Territory, before June 23, 1904, you will have six months from that date, or until December 23, 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,

Registered.

Chairman.

Joe Baptiste.

R. 5-132

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

Nov 21 1902
Int. ... of
and do ...
and ... this from
date ... and
make ...
Court

Then ... within which
to remain ...
applies to ...

No. 5132

For Identification as a Mississippi Choctaw.

Date APR 11, 1902

Name Joe Baptieste,

Age 45 — Blood full.

Post Office, Flatwood, La.

Father: Baptieste — — d
(Margaret ubbi)

Mother: Easter — — d

Claims through both parents,
Wife — dead — —

Children:

Claims for self alone,
~~Stephen Baptieste,~~

Stenographer H. G. ~~W~~ams

MCR 5133

Amos Blue-eye

MCR 5133

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

---o---

In the matter of the application of Amos Blue-eye, et al.,
for identification as Mississippi Choctaws.

--o--

Herein is the record in the matter of the application of
Amos Blue-eye, et al., for identification as Mississippi
Choctaws, M.C.R. 5133.

--o--

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

-----o-----

In the matter of the application of Amos Blue-eye, et al.,
for identification as Mississippi Choctaws, M.C.R. 5133.

--: I N D E X :--

	(Page)
Original application of Amos Blue-eye, et al., for identification as Mississippi Choctaws-----	1
Testimony of A. Telle-----	6
Decision of the Commission identifying said ap- plicants as Mississippi Choctaw Indians-----	8

-----o-----

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 10, 1902.

5133

In the matter of the application of Amos Blue-eye for the identification of himself and his two minor children, Adolphe and Ida Blue-eye, as Mississippi Choctaws.

D.C. Scarborough, att'y for applicant.

Amos Blue-eye being duly sworn testified as follows:

Examination by the Commission:
(Through A. Telle, who, being sworn, acted as interpreter.)

- Q What is your name? A Amos Blue-eye.
Q Speak English? A He says he can understand some but he can't hear well; he says he speaks French fairly well.
Q What is your age? A Forty four.
Q What is your post office address? A Flatwood.
Q What State? A Louisiana.
Q How long have you lived in Louisiana? A I was born and raised in Louisiana.
Q Is your father living? A He is dead.
Q Is your mother dead? A Dead.
Q What is your father's name? A My father's name was Isaac Blue-eye.
Q Did he have a Choctaw name? A Mon-tubbi.
Q What was your mother's name? A Easter or Ester. The same as the other one.
Q Did she have a Choctaw Indian name? A He says he doesn't know it.
Q Was your father a full blood Choctaw Indian? A Yes sir.
Q Was your mother a full blood Choctaw Indian? A Yes; both of them.
Q How much Choctaw blood do you claim? Full blood? A Yes sir.
Q You claim through your father and mother both? A Yes sir.
Q Your mother was a full blood Choctaw woman, wasn't she? A Yes sir.
Q Was your father a full blood Choctaw Indian? A Yes sir.

- Q Did you have any white blood in your father or mother? A No sir.
- Q What relation is Joe Baptiste to you? A He is my older brother.
- Q Half brother? A Yes sir.
- Q The same mother? A Yes sir.
- Q And different fathers? A Yes sir.
- Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by either the United States authorities or the authorities of the Choctaw tribe in the Indian Territory? A No.
- Q Are you married? A No; she's dead.
- Q Have you any minor children that you want to make application for? A He says he has one grown son, and then he has another child that's just about grown, but that one is not here, but the smallest child is here.
- Q Well, is the smallest child under twenty one years of age? A
- A About six years old.
- Q And how old is the other one? A The other one is 20 years old.
- Q What is the name of that child twenty years old? A Amos Blue-eye.
- Q How old is Amos? A Twenty.
- Q What is the name of the other one? A Adolphe.
- Q Is Adolphe married? A He is six years old. He says he has got one three year old named Ida.
- Q Is Amos married? A Yes sir.
- Q Is that all you wish to apply for, Ida and Adolphe? A Yes sir.
- Q These two are the only minors he has? And you claim for yourself and Adolphe and Ida, do you? A Yes sir.
- Q The oldest one, Amos, who is married, must come here for himself.
- A Yes sir.
- Q What is the name of your wife who was the mother of these two children? A Celeste Blue-eye.
- Q Was she a full blood Choctaw? A Yes sir.
- Q Is your name or the name of your oldest child, Adolphe, 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, I haven't.
- 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.
- Q Is this the first application of any kind that you have ever made for citizenship in the Choctaw Nation? A This is my first appearance before any.
- Q Never have been admitted to citizenship in the Choctaw Nation by any authority whatever before this time? A No.
- Q You want now to be identified as a Mississippi Choctaw for yourself and 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 He says he didn't hear.

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. It was made for the

purpose of inducing all the Choctaw Indians who lived in that old Choctaw Nation East of the Mississippi river to leave that Nation and come to the Choctaw Nation, Indian Territory: many said they would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those who stayed back there article fourteen was put into the treaty; 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 Did any of your ancestors comply with that article of that treaty?

A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government of the United States which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which they had formerly held in the old Choctaw Nation and which had been taken from them by the Government and sold at Public Land Sale?-- This scrip was issued under any act of Congress approved August 23, 1842.-- A I don't know.

Q Is Joe Baptiste your half brother? A Yes sir.

Q You have the same mother? A Yes sir.

Q Different fathers? A Yes sir, different fathers.

Q Have you any other evidence you want to introduce now in support of this claim? A He says I have no testimony I simply make statement

Q Do you want any time in which to introduce further evidence?

(Attorney asks for the same order was made in the other cases.)
Reasonable time will be allowed this applicant in which to introduce proper evidence further in support of this application.

Q Do you know whether any of your ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A I don't know.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My mother who came from Mississippi.

- Q what was her name? A Easter; (sounds like Ester.)
- Q Wasn't your mother the same as Joe Baptiste's mother? A Yes sir.
- Q Well, who was Fil-e-ta-ho-na? A That's my mother's Choctaw name.
- Q Did Fil-e-ta-ho-na live in Mississippi in 1830? A I think so; she came from there.
- Q What was her father's name? A I don't know.
- Q Was he a full blood Choctaw? A Yes sir.
- Q What was Fil-e-ta-ho-na's mother's name? A I don't know.
- Q Were they living in Mississippi in 1830 and were they heads of families there then- or was the father head of a family there then?
- A He says I don't know but I rather think so, because my mother was.
- 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 the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A He says I don't know.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830?
- A I don't know; I never heard.

The Choctaw Indians who remained 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 to go to the United States Indian agent within six months after the ratification of the treaty of 1830 and signify to him their intention to stay in Mississippi, take land there and become citizens of the United States. A great many Choctaw Indians did this whose names, Col. Ward, the United States Indian agent, neglected to put upon his list known as Ward's register; his neglect to make a proper list caused many Indians who lands in Mississippi upon which they had improvements to lose both for they were taken from them by the Government and sold 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 which went to Mississippi and heard claimants under that article of that treaty. In 1842 another Commission was appointed and this Commission went to Mississippi and made a list of claimants who appeared before it claiming under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors appear before any of these Commissions and claim benefits under that article of that treaty? A I don't know.
- Q Do you speak any other language than the Choctaw? A I speak only the Choctaw language.
- Q Is there anything more you want to say in support of this claim?
- A No; I have stated all I know.

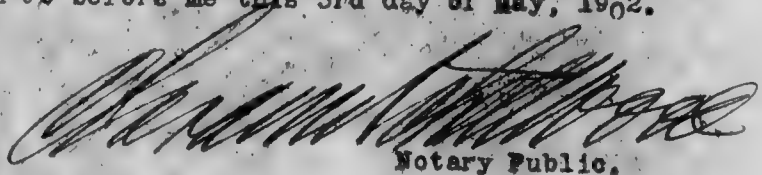
This applicant has the appearance and physical characteristics of being a full blood Choctaw Indian except that his eyes are dark

blue- something of a gray tint- which would seem to indicate a strain of white blood. He doesn't speak a word of English and speaks wholly in the Choctaw language- his examination having been conducted throughout through a Choctaw interpreter. If he has a strain of English blood it may be that of French blood through some remote ancestor; he has more of the characteristics of an Indian than of one of mixed blood in every other respect. He says he knows of no white blood in his ancestors on either side. He 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 10, 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 3rd day of May, 1902.



Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, April 10, 1902.

TESTIMONY OF A. TELLE

IN the 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 Baptiste, et al.,	M.C.R. 5129
Celestine Brandy	M.C.R. 5130
William Gole,	M.C.R. 5131
Joe Baptiste	M.C.R. 5132
Ames 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 Chectaw Indian? A Yes sir.
Q And a member of the Chectaw tribe of Indians in the Indian Territory? A Yes sir.

Examination by D.C. Gearberough, att'y for applicants.

Q Now, Mr. Telle, have you not had a great deal of experience in interpreting the Chectaw language into English? A Yes, I have a great deal.
Q You have a very thorough knowledge of the Chectaw full blood in its looks and appearance and all? A Yes.
Q I want to ask you whether or not this lot of Chectaws 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 Chectaws.
Q Mr. Telle, what is your knowledge of what significance of Ames 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 Chectaws whose eyes- whose ancestry could be traced as far back as the Chectaw Nation knew, 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.

Q You don't know she 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 the above testimony on April 10, and that this is a full, true and correct transcript in same.

Henry G. Hains

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.

--o--

In the matter of the application of Amos Blue-eye, et al.,
for identification as Mississippi Choctaws, M.C.R. 5133.

---: 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 Amos Blue-eye for himself and his two minor children, Adolphe and Ida Blue-eye, 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 Amos Blue-eye, Adolphe Blue-eye and Ida Blue-eye should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



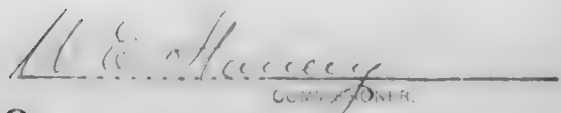
Chairman.


COMMISSIONER.



COMMISSIONER.

Muskogee, Indian Territory,
JUL 21 1903



COMMISSIONER.

N.C.R. 5133.

COPY.

Muskogee, Indian Territory, July 21, 1903.

Amos Blue-eye,

Flatwood, Louisiana.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 21, 1903, identifying you and your minor children, Adolphe Blue-eye and Ida Blue-eye, 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 January 21, 1904, you will have six months from that date or until July 21, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation or Tishomingo, Chickasaw Nation.

Respectfully,

SIGNED:

T. B. Needles.

Commissioner in Charge.

Registered.

Enc. 5133.

M.C.R. 5133

COPY.

Muskogee, Indian Territory, July 21, 1903.

Hanafield, 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 to the Five Civilized Tribes, rendered July 21, 1903, identifying Amos Blue-eye and his minor children, Adolphe Blue-eye and Ida Blue-eye, as Mississippi Choctaw Indians 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, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Amos Blue-eye and his 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)

T. D. Needles.

Commissioner in Charge.

Registered.
Enc. 5133.

Maabogee, Indian Territory, June 22, 1904.

C. G. Ferguson,

Grant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in reference to the further action of the United States Government in providing subsistence to identified Mississippi Choctaws now residing in the Choctaw Nation.

You invite particular attention to one Amos Blue-eye who lives in your vicinity, whom you state is willing to work but is not financially able to help himself; that he is expecting some food from the government but has not received any for the past week, believing that the same was delayed on account of high water. You now desire to be informed if there will be any further aid extended these Mississippi Choctaws by the Government and also if there is any chance for such Mississippi Choctaws to sell a portion of their land, and if so, at what time, and if they can lease their lands at the present time.

In reply to your letter you are advised that by the Act of Congress approved March 3, 1903, there was appropriated twenty thousand dollars for the removal to the Choctaw-Chickasaw country of indigent identified full blood Mississippi Choctaws. This money was expended by a special agent of the government who removed from

the State of Mississippi to the Indian Territory some 350 full blood Mississippi Choctaw Indians. A portion of this money so appropriated was expended by the special agent of the government in the subsistence of the 350 Indians removed from Mississippi to the Indian Territory by him. This money has now been entirely expended and the supplies so purchased have been practically exhausted. There is no further provision of law or appropriation of money whereby any further assistance can be guaranteed these Mississippi Choctaw Indians.

The Act of Congress approved July 1, 1902 (32 Stats., 641), provides that the lands so selected by Mississippi Choctaws are not to be allotted to them the same as lands selected by other citizens, but that they must make proof of continuous residence upon such lands for a period of three years before they can receive the same as an allotment. There is no provision whereby Mississippi Choctaws can now in any manner alienate or encumber their prospective allotments.

The Commission is now preparing and will issue in the near future to such Mississippi Choctaws as have selected or had designated to them their prospective allotments, certificates to the effect that such selections have been made and that they are entitled to the possessory rights of such lands for a period of three years from the date of selection or up until the time of

C G F 3

their death.

The matter of leasing lands in the Choctaw and Chickasaw Nations does not come within the jurisdiction of this Commission and it is suggested that you consult some attorney who has had an examination of this matter and obtain his opinion in reference to the ability of Mississippi Choctaws to now lease their prospective allotments.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date APR 10 1902

Name Amos Blue-eye,

Age 44, Blood full

Post Office, Flatwood, La,

Father: Isaac Blue-eye d
(Montubbi)

Mother: Ester " d
(FIIETA HONA)

Claims through both parents,

wife -

Celeste Blue-eye, d
(full blood.)

Children:

~~Amos Blue-eye, Jr.~~

Adolphe " 6

Ida " 3

Claims for self
and 2 children

H. G. Harris

Choctaw MCR 5134

Jennie O. Hipp

See MCR 762

MCR 5134

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 10, 1908.

5134

In the matter of the application of Jennie O. Hipp for the identification of herself and her minor child, Thomas W. Hipp, as Mississippi Choctaws.

J.G. Ralls, att'y for applicant.

Jennie O. Hipp, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Jennie O. Hipp.
Q What is your age? A Twenty two.
Q What is your post office address? A Waxahachille.
Q What State? A Waxahachie, Texas.
Q How long have you lived in Texas? A All my life.
Q How long in Waxahachie? A Ever since about 1884.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Thomas J. Cole.
Q What is your mother's name? A Emma E. Cole.
Q Through which parent do you claim Choctaw blood? A Through my father.
Q How much Choctaw blood do you claim? A I am one thirty second.
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 authorities of the United States in the Indian Territory? A No sir.
Q Have you proof of the marriage of your father and mother with you now? A No sir, not with me.
Q You can produce that later? A Yes sir.
Q Remember when and where they were married? A Near Waxahachie.
Q In Texas? A Yes sir.
Q Remember the day of the month and year? A October 17, 1878.
Q By a minister and under a license? A Yes sir.
Q Is your husband living? A Yes sir.

Q Is he a white man or Indian? A White man.

Q What is his name? A William E. Hipp.

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

Q What is the name of your child that you wish to make application for? A Thomas W. Hipp.

Q How old is he? A A year old; fifteen months.

Q You claim for yourself and child, do you? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?

A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in 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 Yes sir.

Q Do you understand that article of that treaty? A I have heard it explained.

Q Do you want a further explanation of it? A I think I understand it well enough.

Q The article then without the explanation is as follows: "Each Choctaw head of the family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be ~~permitted~~ entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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 Choctaw ancestors ever complied or attempted to comply with any of the provisions of that article?

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 George Tubb my great great grandfather.

- A He was a half Indian.
- Q Did he live in Mississippi in 1830? A I don't know.
- Q What ancestor of yours did live in Mississippi in 1830 and have a family there then, if you can recall-- A I don't know.
- Q Did you ever hear that any Choctaw ancestor lived in Mississippi or Alabama in the old Choctaw Nation? A In Alabama.
- Q Did George Tubb live in Alabama? A Yes sir.
- Q Did he live there in 1830? A I don't know.
- Q Did you ever hear of any ancestors who lived in the old Choctaw Nation in Mississippi or Alabama in 1830? And was the head of a family there then? A I don't know.
- Q How old would George Tubb be if living now? A About over 100.
- Q Where was he born? A I don't know where.
- Q Know when and where he died? A No sir.
- Q Did he speak the Choctaw language and have a Choctaw name? A Yes I have been told that he had an Indian name.
- Q Do you know what the Indian name was? A It was Pa-tubbee. I have been told that.
- Q By somebody in the family? A Yes sir.
- Q Did he speak the Choctaw language do you know? A I don't know.
- Q You claim through your father, do you; Thomas J. Cole? A Yes sir.
- Q He claimed through which parent? A His father.
- Q What was his name? A William J. Cole.
- Q Did he live in Mississippi or Alabama? A In Alabama.
- Q Always, do you know? A Yes; he is living in Texas now.
- Q How long did he live in Alabama? A Until about 25 or 26 years ago.
- Q How old is he now? A He is sixty five.
- Q And was born in Alabama? A Yes sir.
- Q Did he claim through his father or mother? A Through his mother Lucinda Tubbs and she married Thomas G. Cole.
- Q Did she live in Alabama? A Yes sir.
- Q Do you know when she was born? A No sir.
- Q Do you know if she had a family of children in Mississippi or Alabama in the old Choctaw Nation in 1830? A No sir.
- Q Was her father George Tubb? 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.
- 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, within that time and tell him that they wanted to stay in the old Choctaw Nation, take land there and become a citizen 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 don't know.
- Q Did any of your Choctaw ancestors own any land or claim any or any benefits of any kind in Mississippi or Alabama under article 8 fourteen of the treaty of 1830? A I don't know.

The Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama staying there after the treaty of 1830 was

ratified and refusing to go to the Choctaw Nation, Indian Territory, under the provisions of the treaty of 1830 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 stay in Mississippi, in the old Choctaw Nation, take lands there and become citizens of the United States, and do this within six months after the ratification of the treaty. A great many Choctaw Indians did this whose names Col. Ward, the Indian agent, failed to put upon his list known as Ward's Register. It is estimated that at least 7000 Indians remained in the old Choctaw Nation and of that number not more than 143 heads of families appear upon any list made by COL. WARD. His neglect to make a proper list for registration under article fourteen caused a good many Indians who had land there upon which they had improvements to lose both for they were taken from them and sold by the Government at Public Land Sale. This caused so many complaints among the Indians that Congress in 1837 by an act approved March 3, 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 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, George Tubb or any other of them go before either of these two Commissions 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 Indians proved his claim under article fourteen of the treaty of 1830, if it further appeared that he also had had land in the old Choctaw Nation which the Government had taken from him and sold at its Public Land Sale 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 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 the Commission to be identified as Mississippi Choctaws? A Yes sir.

Q Give the name of some? A Milton Ikard.

Reference is made to M.C.R. 767, Milton Ikard et al.

Q And others I presume claiming through the same common ancestor, George Tubb? A Yes sir.

Q Would you like to have your case taken up and considered with those cases where they all claim through the same common ancestor? A Yes sir.

Q Was either your father or mother been before the Commission to be identified as a Mississippi Choctaw? A Yes, my father, Thomas J. Cole.

Q Have you any other testimony you want to introduce now? A --

Certified copy of the marriage between Mr. Will E. Hipp and Miss Jennie Cole, presented by this applicant, received, filed marked Exhibit "A", and made a part of the record in this case.

(Attorney for applicant asks for reasonable time in which to offer further evidence. Granted.)

Q Have you anything more you want to state 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; blue eyes, fair complexion, brown hair; no knowledge of the Choctaw language and no knowledge of the compliance on the part 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 10, 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 t his 3rd day of May, 1902.

[Handwritten signature]
Notary Public

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

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

ALLISON L. AYLESWORTH,
SECRETARY

REFER IN REPLY TO THE FOLLOWING
M.C.R. 5134

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Jennie O. Nipp,
Wamachaie, 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. 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, Claude 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 Wilsoff, 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).

Tams Bixby.

Registered.

Chairman.

M.C.R. 5134.

Muskogee, Indian Territory, May 1, 1905.

Jennie O. Hipp,

Waxahachie, Texas.

Dear Madam:

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.

No. 5134

For Identification as a Mississippi Choctaw.

Date APR 10 1902

Name Jennie O. Hipp

Age 22 - Blood $\frac{1}{32}$

Post Office, Wayahachie, Tex.

Father: Thomas J. Cole. l

Mother: Emma E. Cole. l

Claims through

Husband father —

William E. Hipp. l. w.

No claim for
husband

Children:

Thomas W. Hipp, 15 m

Claims for pres
and check

Stenographer

W. S. Kauri

Choctaw MCR 5135

Lydia J. Singleton

See MCR 762

MCR 5135

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 11, 1902,

5135

In the matter of the application for identification as Mississippi Choctaws of Lydia J. Singleton for herself and her six minor children, Albert O., John, Fannie Inez, Lenora Jane, Ervin Edward, and Reba Singleton.

J. G. Ralls attorney appearing for applicants.

Lydia J. Singleton being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Lydia J. Singleton.
Q What is your age? A Forty-nine.
Q What is your post office address? A Waxahachie, Texas.
Q How long have you lived there? A Seven years, about seven, I have been in the County since sixty-nine. (prompted)
Q Where were you born? A Arkansas.
Q At what place in Arkansas? A Union County.
Q You lived in Arkansas how long? A Until I was about fourteen. (prompted)
Q You will have to testify yourself according to your best recollection? A I was about fourteen years old.
Q You went from Arkansas to where? A Texas.
Q Lived there since? A Yes, sir.
Q What is your father's name? A George Moore.
Q M-o-o-r-e is it? A Yes, sir.
Q Is he living? A No, sir; he is dead.
Q Is your mother living? A No, sir; she is dead.
Q What is your mother's name? A Fannie Moore.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A One-sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by 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? A No, sir; but I can get that.
Q You can get it if given a reasonable time? A Yes, sir.
Q When and where were they married? A In Alabama, in Perry County
Q You know what date? A I don't remember.
Q Are you married? A Yes, sir.
Q Husband is living? A Yes, sir.
Q Has he Choctaw blood or is he a white man? A He is a white man.
Q What is his name? A Joe Singleton, J.W. Singleton.
Q You make any claim for him? A No, sir.
Q What is the name of your eldest unmarried child under twenty-one years of age? A Albert O. Singleton.
Q How old is he? A Nineteen years old in July.
Q Eighteen now? A Yes, sir.

- Q What is the name of the next? A John Singleton.
 Q How old is he? A He is eighteen, will be in August.
 Q He is seventeen now? A Yes, sir.
 Q The next? A Inez; Fannie Inez is her name.
 Q How old? A She is fourteen in September.
 Q Thirteen now? A She is fourteen now.
 Q What is the name of the next? A Lenora Jane.
 Q How old? A She is thirteen now.
 Q What is the name of the next? A Erwin, E-r-w-i-n Edward.
 Q E-r-w-i-n---; how old? A He is eight years old in November.
 Q What is the name of the next? A Reba, R-e-b-a Singleton.
 Q Girl? A Yes, sir; she is three.
 Q Any others? A That is all.
 Q You claim for these children do you? A Yes, sir.
 Q Are you the mother of these children? A Yes, sir.
 Q They all live with you at your home? A Yes, sir.
 Q And were either you or your husband married before you married each other? A No, sir.
 Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I reckon not.
 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, at any time, made application to the Dawes Commission for enrollment for yourself and your children as Choctaw Indians? 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 for the identification of these children as 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 heard it explained?
 Q Would you like a further explanation of it? A No, sir; I think not.
 Q You think you understand it without the explanation? A Yes, I think I understand it.

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 your ancestors comply or attempt to comply with any of the provisions of that article? A I reckon not.
- 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 Through your grandmother? A Yes, sir.
- Q What was her name? A Lydia Tub.
- Q Through whom did she claim her Choctaw blood? A It was her grandfather.
- Q What was his name? A His name was Jesse Tub, (prompted) George Tub; I had forgotten.
- Q Lydia Tub was the daughter of George Tub? A Yes, sir.
- Q She married whom? A Alexander Moore.
- Q And which of their children are you descended from? A George Moore.
- Qc Your father? A My father's name was George Moore.
- Q Did George Tub live in Mississippi in 1830? A Yes, sir.
- Q Was he the head of a family there at that time? A Yes, sir.
- Q How much Choctaw blood did George Tub have? A He was a half Indian I think.
- Q Did he have a Choctaw Indian name? A I think he did.
- Q You know what it was? A Pa-tubbe.
- Q Did he speak the Choctaw language? 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 that; I reckon they did but I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know that.
- 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 Not that I know of.
- Q Did any of them own or claim any land or any benefits of any kind in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know that.
- Q

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 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 signify to him their intention to remain in Mississippi, take land there and become citizens of the State. 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 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 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 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 that treaty.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits under article fourteen of the treaty of 1830? A No, 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 further appeared that he had had land in Mississippi which the government had taken from him and sold at its public land sales; that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government 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 Not that I know of.
Q Have any of your relatives appeared before the Commission to be identified as Mississippi Choctaws? A I think so.
Q You have had some relatives here claiming through George Tub? A Yes, sir.
Q What is that name, Milton Ikard? A Yes, they are some relatives.
Q What relation is Milton Ikard to you? A Second cousin.
Q There are others now whose names you do not recall? A Not that I remember of now-----Mr. Cole's folks too, you know they come in the sameway as the widow Tom Cole.

Milton Ikard, et al., M.C.R. 767 is here referred to.

- Q Do you want to have the testimony given in the case of Milton Ikard as well as in all other cases where they claimed through the same common ancestor considered with your application? A Yes, I think so.
Q Have you any other testimony or any witnesses you want to present now to the Commission? A -----

By attorney Ralls.

We would like a reasonable time in which to furnish testimony.

By the Commission.

Motion is granted.

- 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; brown eyes; dark 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.

Marriage license of the marriage of J. W. Singleton and L. J. Moore presented by applicant, received filed, marked exhibit "A" and made a part of the record in this case.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he

Recorded in full in the office of the Clerk of the Court on April 11, 1900, and in the above mentioned
book of said Court, and the same are hereby certified to be
true and correct copies of the original notes in
this case on said date to-wit: 11th day of April, 1900.

Subscribed and sworn to before me this 11th day of April, 1900.

James W. Kel

[Signature]

Notary Public.

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

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

ALLISON L. AYLESWORTH,
SECRETARY

REFER IN REPLY TO THE FOLLOWING

M. C. R. 8135

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Lydia J. Singleton,

Wambaachie, 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. G. 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, 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 Ikarl, 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).

James Bixby.

Chairman.

Registered.



M.C.R. 3135

Muskogee, Indian Territory, May 1, 1905.

Lydia J. Singleton,

Waxahachie, Texas,

Dear Madam:

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 11 1902

Name Lydia J. Singleton.

Age 49- Blood 1/16

Post Office, Waxahachie, Tex.

Father: George Moore, d

Mother: Fannie " d

Claims through father -
Husband: Joe W. Singleton, l.w

No claim for
husband -

Children:

Albert O. Singleton, 18

John " 17

Inez " "

Fannie Inez " 14 ~~12~~

Lenora Jane " 13

Erwin Edward " 8

Reba " (F.) 3

Claims for self &
children

Choctaw MCR 5136

Rebecca E. Boyd

MCR 5136

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

In the matter of the application of Rebecca Elizabeth Boyd, et al., for identification as Mississippi Choctaws, M.C.R. 6186.

List of papers forwarded to the Secretary of the Interior, comprising the record in the case of Rebecca Elizabeth Boyd, et al.

	Page.
Original application of Rebecca Elizabeth Boyd, et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Decision of the Commission refusing the application of Rebecca Elizabeth Boyd, et al., for identification as Mississippi Choctaws	7

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Rebecca Elizabeth Boyd, et al., for identification as Mississippi Choctaws, M.C.R. 5136.

List of papers forwarded to the Secretary of the Interior comprising the record in the case of Rebecca Elizabeth Boyd, et al.

	(Page)
Original application of Rebecca Elizabeth Boyd, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Letter of the Commission addressed to Rebecca Elizabeth Boyd.....	7
Envelope which contained letter addressed to Rebecca Elizabeth Boyd.....	9
Decision of the Commission refusing the application of Rebecca Elizabeth Boyd, et al., for identification as Mississippi Choctaws.....	10

-----0-----

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Rebecca Elizabeth Boyd, et al., for identification as Mississippi Choctaws, M.C.R. 5136.

List of papers forwarded to the Secretary of the Interior comprising the record in the case of Rebecca Elizabeth Boyd, et al.

	(Page)
Original application of Rebecca Elizabeth Boyd, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Letter of the Commission addressed to Rebecca Elizabeth Boyd.....	7
Envelope which contained letter addressed to Rebecca Elizabeth Boyd.....	9
Decision of the Commission refusing the application of Rebecca Elizabeth Boyd, et al., for identification as Mississippi Choctaws.....	10

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 11, 1902.

5136

In the matter of the application for identification as Mississippi Choctaws of Rebecca Elizabeth Boyd for herself and her seven minor children, Thomas Franklin, John J., Bessie Belle, Decia Elizabeth, Bertha I., David Isaac and Charles W. W. Boyd.

J. G. Ralls attorney appearing for applicants.

Rebecca Elizabeth Boyd being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Rebecca Elizabeth Boyd.
Q What is your age? A I will be thirty-nine next December.
Q thirty-eight? A Yes, thirty-eight now.
Q What is your post office address? A Ardmore, I.T.
Q How long have you lived at Ardmore? A Nearly three months.
Q Where did you live before that? A Near Atlanta, Georgia.
Q Were you born in Georgia? A Yes, I was born in the mountains of Georgia, about eighty miles North of Atlanta.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No, sir; she is dead; she died when I was about six years old.
Q What is your father's name? A Andy Bears.
Q What is your mother's name? A Lisa Loggins.
Q Eliza? A Yes, sir.
Q Through which parent do you claim Choctaw blood? A On my mother's side.
Q How much Choctaw blood do you claim? A My grandmother was three-quarters.
Q Do you claim three sixteenths? A Yes, I think that is about right, I don't know this from myself; I won't say how much I am.
Q If your mother was three-quarters; if your grandmother was three-quarters; then your mother would be three-eighths and you would be three-sixteenths. Do you undertake to say how much Choctaw blood you have; I told you how much it would be if your grandmother had three-quarters; do you know whether that is right or not? A Yes, sir; I reckon it is.
Q You want to claim three-sixteenths do 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? A No, sir.
Q Are you married? A Yes, sir.
Q Your husband is living? A Yes, sir.
Q Is he a Choctaw Indian or white man? A No, sir; he is a white man.
Q What is his name? A A. K. Boyd.
Q You make no claim for him then do you? A No, sir.
Q How many children have you that you want to make application for? A Seven.

- Q What is the name of the oldest? A Thomas Franklin.
- Q How old is he? A He will be eighteen the fourth of July.
- Q Seventeen now? A Yes, sir.
- Q What is the name of the next? A John J.----J.J. a boy.
- Q How old? A He is sixteen in March, last March he was sixteen.
- Q What is the name of the next? A Bessie Belle Boyd.
- Q How old is she? A She is thirteen; last December.
- Q The next? A Her name is Docia Elizabeth
- Q D-o-c-i-a? A Yes, sir.
- Q How old is she? A She is eleven, the 30th of last January.
- Q What is the name of the next? A Birthy, B-e-r-t-h-y or t-h-a
- Q either one, it don't make any difference.
- Q B-e-r-t-h-a is right; you want to have it spelled that way? A
- Q Yes, sir.
- Q No middle name? A "I"
- Q How old is Bertha? A Six.
- Q What is the name of the next? A We never named him but we have
- Q decided to call him David Isaac, but, we always just call him
- Q Sweet.
- Q How old is Isaac? A Five the last August past.
- Q The next? A The next is Charles W. W.
- Q How old is he? A Three years old last October.
- Q Any others? A No, sir; that is all.
- Qx Is A. K. Beyd the father of these children? A Yes, sir.
- Q Were either you or he married before you married each other? A
- Q No, sir.
- Q And are living together now? A Yes, sir.
- Q The children live with you at your home? A Yes, sir.
- Q Is your name or the names of any of your children on any of the
- Q tribal rolls of the Choctaw Nation in Indian Territory? A No,
- Q sir; not that I know of.
- Q Have you ever made application for citizenship in the Choctaw
- Q Nation to the Choctaw tribal authorities in Indian Territory?
- Q A No, sir.
- Q Have you ever made application for citizenship in the Choctaw
- Q Nation to the Commission to the Five Civilized Tribes under
- Q the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted with your children to citizenship
- Q in the Choctaw Nation by either the Choctaw tribal authorities,
- Q the Commission to the Five Civilized Tribes or the United States
- Q Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to identify yourself and
- Q your children as Mississippi Choctaws claiming under article
- Q fourteen of the treaty of 1830? A Yes, sir.
- Q Did you ever make application for citizenship in the Choctaw
- Q Nation to the Dawes Commission at any time previous to this
- Q application? A No, sir.
- Q Or to the Choctaw tribal authorities; you never applied to them?
- Q A No, sir; I don't understand.
- Q You never made any application? A No, sir.
- Q This is the first time? A Yes, sir.
- Q You understand article fourteen of the treaty of 1830? A No,
- Q sir.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place in the state of Mississippi called Dancing Rabbit Creek 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 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 the interests of those Indians who remained back there in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. The treaty was afterwards signed and then ratified later on. 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 Yes, I think 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 grandmother, her name,---her father's name was Lefe.
- Q How do you spell that? A L-a-s-t.
- Q What is the full name? A I don't know; old grandfather signed it Loggin.
- Q You don't remember his given name? A No, sir.
- Q What relation was he to you, Last? A He was my mother's father.
- Q He was your grandfather then? A Great grandfather.
- Q Then he was your mother's grandfather? A No, sir; my grandfather; my mother's father.
- Q Did any of your Choctaw ancestors to your knowledge comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830? A No, sir.
- Q Your grandfather Last had how much Choctaw blood? A I suppose he was a full blood.
- Q Did you ever hear so? A Yes, sir.
- Q Heard so in the family? A Yes, and when I was with my grandmother last Summer.
- Q Did your grandfather Last live in Mississippi in 1830 and was he the head of a family there then? A I don't know but he was married in Mississippi and went to the mountains of Georgia.
- Q How would be how old if living now? A I don't know his age but grandmother is one-hundred and sixteen.
- Q Living now? A Yes, sir.
- Q And one-hundred and sixteen years old? A Yes, she is living at Dillsville, Georgia.
- Q Has she a memory and her ordinary senses at that age? A Yes, sir.
- Q Will she talk about things that occurred in the past? A Yes, sir; she has her old fashioned baskets that she made way back.
- Q Why don't you try to get her testimony before the Commission in the form of a deposition? A Well I would but I am not able to get her here.

- Q You could have her deposition taken or if she is too feeble to do that you could have her affidavit taken with reference to her husband and whether he lived in Mississippi in 1830 and had children there then? A She told me last Summer that he lived there; one reason that I am so ignorant about it my mother died when I was just a child.
- Q You think her husband was anywhere near her equal in age? A I don't think he was as old as she was.
- Q How much younger do you think your grandfather was then she? A I think he was right close on to her age and he has been dead about twelve or fourteen years.
- Q How old was he when he died? A He was close onto eighty, I don't know his age exactly.
- Q Do you know whether he claimed through his father or mother? A A No, sir; I do not.
- Q You know his father's or mother's name? A No, sir; not on grandpa's side.
- Q Have you any reason to believe from what you have heard in the family that he was the head of a family in Mississippi in 1830? A I could not tell you but I know in reason that he was.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi and Alabama in the old Choctaw Nation in 1830? A Well 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.
- Q Did you ever hear that any of your Choctaw ancestors went 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 No, sir; they left there, some of them, but I don't know where they went.
- Q Did any of your Choctaw ancestors own any land or claim any or any benefits of any kind as Choctaw Indians in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know sir; I don't expect they did though.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified and after the other Indians had departed under that treaty, and left for 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 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 and this failure of his to do so, caused a good many Choctaw 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 third 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 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 two Commissions and claimed benefits as Choctaw Indians? A No, sir.
- Q Did you ever hear that? A No, sir; they all claimed Choctaw Indian but I don't know what else.
- Q But you don't know whether they went before either of these two Commissions? A No, sir; I don't know that any of them ever went before anything.
- Q Did any of your Choctaw ancestors ever receive any scrip or certificates that was issued by the government under the provisions of the act of Congress of August 23, 1842, which entitled these Indians to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they formerly occupied in Mississippi and which the government had taken from them and sold at its public land sales? A No, sir. Not that I knew of.
- Q Have you had any relatives who have been before this Commission to be identified as Mississippi Choctaws? A No, sir.
- Q Are you not related to George Tub? A No, sir.
- Q You are the first of your family or relation? A Yes, sir.
- Q Have you any other relatives here to-day? A No, sir; none nearer than Georgia.
- Q No one before the Commission? A No, sir.
- Q Have you any proper evidence now that you want to submit in support of your application? A No, sir.

By attorney.

We would like a reasonable time in which to furnish other proof.

By the Commission.

Motion granted.

- Q Do you speak the Choctaw language? A No, sir; grandmother can but then I can't.
- Q You say she is living now? A Yes, she was living about three weeks ago. She has a daughter living with her that was never married who is about eighty years old.
- Q Does her daughter speak the Choctaw language? A No, sir.
- Q But your grandmother does? A Yes, that is they say she does; I never seen her but once.

This applicant has the appearance and physical characteristics of being descended from ancestry composed in the main part of white blood; she has dark hair but not black, nearly black, very nearly black; dark eyes, nearly black; olive complexion; she says, her looks indicate, that she may have some Indian blood which she says is Choctaw. She claims three-sixteenths. 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.

Examination by attorney Ralls.

- Q Is your grandmother a white woman or mixed blood? A Mixed.
- Q part Choctaw? A Yes, sir.
- Q Your grandfather you say was a full blood? A Yes, I think he was I don't know for certain; my cousins are older than I am, they live in White County Georgia, they say he was but grandmother's looks would show it.

74

- Q Does that one married daughter live with her? A Yes, sir.
Q What is her post office? A Their post office is Gillsville.
Q You know what County it is in? A I don't believe I can tell you
Q How far do they live from Gillsville? A They live right in town.

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 11, 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.

COPY.

Cow

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

---00---

In the matter of the application of Rebecca Elizabeth Boyd,
et al., for identification as Mississippi Choctaws, M C R 5136.

-----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 Rebecca Elizabeth Boyd for herself and her seven minor children, Thomas Franklin, John J., Bessie Belle, Doria Elizabeth, Bertha I., David Isaac and Charles W. W. Boyd, under the following provision of the act of Congress approved June 28, 1896 (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 Lisa Leggins, who is alleged to have been a three-eighths blood Choctaw Indian.

The applicants claim from more remote Choctaw ancestors than the one above mentioned, in the persons of the maternal grandparents of the principal applicant, but as no name is given for the

grandfather and only the surname (Last, or Lefe, or Leggin) is given for the grandfather, it is impossible for the Commission to determine whether or not said ancestors were beneficiaries under the provisions of article fourteen of the treaty of eighteen hundred and thirty.

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

It does not appear from the testimony and evidence offered in support of said application, or from the record 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 Liza Leggins 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., 512).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Rebecca Elizabeth Boyd, Thomas Franklin Boyd, John J. Boyd, Bessie

Belle Boyd, Deena Mianboth Boyd, William I. Boyd, David Isaac Boyd and Charles V. W. Boyd as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED:

Tame Bixby.

Acting Chairman.

SIGNED:

T. B. Needles.

Commissioner.

SIGNED:

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

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

ALLISON L. AVIESWORTH,
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, Sept. 24, 1902.

Mr. David Shelby,
General Office.

Dear Sir:-

In the matter of the application of Rebecca Elizabeth Boyd et al., for identification as Mississippi Choctaws, M.C.R. 5136. It appears from the testimony of this applicant that she claims through the parents of her mother, and states that her grandfather was a full blood Choctaw and is now deceased, and that her grandmother is a three quarter blood Choctaw and is now living at the age of 116 years, but fails to give her name.

It is suggested, in view of the fact that the grandmother of this applicant is still living and her name does not appear in the ^{record} testimony, that testimony should be obtained on this point, as the Department will doubtless remand the case unless same is done.

I would also suggest that the applicant be required to be more specific in giving the name of her grandfather, as it cannot be determined definitely from the testimony given by her when she made her application what his name really is, she giving it in one place as Last and in another as Log^yin, and one time stating that said names are those of her grandfather, and in another place of her grand mother's father, and in yet another place of her mother's grandfather, and the examiner does not seem to have attempted to

straighten the matter out, as will be seen from an examination of the testimony.

I therefore return the record to you for such action as you may see fit to take.

Respectfully,

C. W.

Miss. Choctaw 5136

Muskogee, Indian Territory, September 27, 1902.

Rebecca Elizabeth Boyd,
Ardmore, Indian Territory,

Dear Madam:

It appears from the records of the Commission to the Five Civilized Tribes that on April 11, 1902, you appeared before said Commission at Muskogee, Indian Territory, and there made personal application for the identification of yourself and your minor children as Mississippi Choctaws. The record in your case shows that you derive your Choctaw blood from your mother, Liza or Eliza Loggins, but nowhere in the record is shown the name of your ancestor who was a resident of the old Choctaw Nation in Mississippi and Alabama in 1830, and complied or attempted to comply with the provisions of article fourteen of the treaty, and through whom you claim the right to identification as a Mississippi Choctaw.

At the time of your application the fourteenth article of the said treaty of 1830 was explained to you and you stated that you made your claim under its provisions, but your testimony does not show clearly the name of the ancestor who complied with its provisions. Your testimony on this subject is as follows:

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother, her name, -- her father's name was Lefe.

B.N.B. 2

Q How do you spell that? A L-a-s-t.

Q What is the full name? A I don't know; old grandfather signed it Leggin.

Q You don't remember his given name? A No sir.

Q What relation was he to you, Last? A He was my mother's father.

Q He was your mother's grandfather? A No sir; my grandfather; my mother's father."

It does not appear from this testimony what was the name of your grandmother through whom your mother derives her Choctaw blood. In order that you may testify as to the name of the ancestor who was a resident of the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen of the said treaty of 1830, you are hereby granted thirty days from this date within which to submit your affidavit showing the name of the said ancestor.

Respectfully,

Acting Chairman.

Miss. Choctaw 5126

McKoye, Indian Territory, November 18, 1902.

A. E. Boyd,

Armore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 15, asking the status of the application of Rebecca Elizabeth Boyd et al. for identification as Mississippi Choctaws.

In reply you are advised that the Commission is now considering the case of Rebecca E. Boyd, et al., and it is probable that within the near future a decision will be reached, at which time she will be duly notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

COPY.

M.C.R. 5136

Muskogee, Indian Territory, February 14, 1903.

J. G. Ralls,

Attorney at law,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Rebecca Elizabeth Boyd, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1892, (30 Stats., 495), which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Rebecca Elizabeth Boyd, Thomas Franklin Boyd, John J. Boyd, Bessie Belle Boyd, Doria Elizabeth Boyd, Bertha I. Boyd, David Isaac Boyd and Charles W. W. Boyd as Choctaw Indians entitled 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."

J. G. Halle, —2

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

Respectfully,

(SIGNED)

James Bixby.

Acting Chairman.

Registered.

COPY.

M. C. R. 5158

Muskogee, Indian Territory, February 14, 1903.

Rebecca Elizabeth Boyd,

Ardmore, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Rebecca Elizabeth Boyd, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 20, 1898 (30 Stats., 495), which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Rebecca Elizabeth Boyd, Thomas Franklin Boyd, John J. Boyd, Bessie Belle Boyd, Doola Elizabeth Boyd, Bertha I. Boyd, David Isaac Boyd and Charles W. W. Boyd as Choctaw Indians entitled 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

Rebecca Elizabeth Boyd, —2

office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 14, 1903.

Mansfield, McKurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Rebecca Elizabeth Boyd, 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 Rebecca Elizabeth Boyd, Thomas Franklin Boyd, John J. Boyd, Bessie Belle Boyd, Doccia Elizabeth Boyd, Bertha I. Boyd, David Isaac Boyd and Charles W. W. Boyd as Choctaw Indians entitled 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,
(SIGNED)

Tams Dixie.

Acting Chairman.

27.
Muskogee, Indian Territory, March 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Rebecca Elizabeth Boyd, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 14, 1903.

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

Respectfully,

James Bixby
Chairman.

Through the
Commissioner of Indian Affairs.

2 enclosures M.C.R. 5136.

Muskogee, Indian Territory, March 9, 1903.

A. K. Boyd,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd ultimo, by reference from Commissioner Breckinridge. Therein you make certain statements relative to a controversy you are having about certain lands on which you are located. You state that your wife is a Mississippi Choctaw and ask to be advised if she has a right to hold lands in the Choctaw-Chickasaw country.

In reply to your letter you are informed that it appears from the records of the Commission that Rebecca E. Boyd, wife of A. K. Boyd, residence Ardmore, Indian Territory, made application to this Commission for the identification of herself and her seven minor children as Mississippi Choctaws.

The Commission, on February 14, 1903, rendered its decision refusing her application, and on the same date she was notified by registered mail of the action of the Commission that ~~that~~ she was granted fifteen days from the date of said decision within which to file arguments in support of her claim to be forwarded to the Secretary of the Interior.

The fifteen days from February 14, 1903, heretofore granted in this case, expired on March 1, 1903. On March 2, 1903,

A K B 2

the record in the case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. Your wife will be duly notified of such action as may be taken by him.

It is not believed that your wife and minor children are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations?

Respectfully,

Chairman.

Land
14989-1903.

COPY
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

JWH
FHE

MARCH 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Rebecca Elizabeth Boyd, for herself and her seven minor children, Thomas Franklin, Eohn J., Bessie Belle, Docia Elizabeth, Bertha I., David Isaac and Charles W.W. Boyd, wherein a decision adverse to the applicants was rendered by the Commission on February 14, 1903.

An examination of the evidence in this case shows that the applicant in chief gives the name of her great grandfather as Lefe and Last, and of her grandfather as Loggins, first name unknown, and the name of her mother as Lisa Loggins. It further appears that a letter was sent notifying the principal applicant that she might, if she saw fit, submit further evidence as to the name of her Choctaw ancestor. This letter was addressed to her at the address she gave, Ardmore, I. T. but was returned undelivered. It was clearly her duty to keep the Commission informed of her address, and failing to do this she must bear the consequences.

The decision of the Commission rejecting these applicants, states that the name of Lisa Loggins does not appear in its records of those who complied or attempted to comply with the provisions of the 14th

articles of the Chestaw treaty of 1830.

The office has caused a search to be made for the names of Lefe,
East, Leggins and Liza Leggins, and they are not found. ^{included} In the list
of these persons who complied or attempted to comply with the provisions
of the 14th article of the Chestaw treaty of 1830. It is
therefore recommended that the decision of the Commission rejecting
these applicants be approved.

Very respectfully,

(Signed) A. C. Tenner,
Acting Commissioner

N.B.H. H'r.
3 enclosures.

Muskogee, Indian Territory, May 7, 1903.

Rebecca E. Boyd,
Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 3rd instant, in which you ask for information regarding your application for the identification of yourself and minor children as Mississippi Choctaws. You state that you received notice from the Commission informing you that the evidence in your case was insufficient.

In reply you are informed that the fifteen days from February 14, 1903, heretofore granted you in this case, expired on March 1, 1903. On March 2, 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,

Chairman.

D.C. 14181
I.T.D. 2832-1903
LRS

C O P Y
DEPARTMENT OF THE INTERIOR.
WASHINGTON, MAY 9, 1903.

JWH
FHE

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

Gentlemen:

March 2, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Rebecca Elizabeth Boyd (M.C.R. 5136), for herself and her seven minor children, Thomas Franklin, John J., Bessie Belle, Docia Elizabeth, Bertha I., David Isaac and Charles E. W. Boyd, including your decision of February 14, 1903, refusing to identify them as such.

This applicant was born in 1864 in Georgia. Her quantum of Choctaw blood is three-sixteenths. She obtained her Choctaw blood from her mother, Eliza Loggins, who was a three-eighths blood Choctaw. Among the maternal ancestors of this applicant appears the name of Lefe (or Last) Loggins. It is not clear, however, whether he was her grandfather or great grandfather.

The testimony as furnished by the record fails to show that this applicant or any of her alleged ancestors, ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts 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 her 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 this applicant has failed to establish her claim.

Reporting in the matter March 14, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed. The Department hereby affirms your decision.

Respectfully,

(Signed) THOS NYAN

Acting Secretary

1 inclosure.

COPY.

Muskogee, Indian Territory, May 21, 1903.

J. G. Wells,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 9th day of May, 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 Rebecca Elizabeth Boyd, et al., of which decision you were advised by registered mail on the 14th day of February, 1903.

Respectfully,

(SIGNED)

James Bixby.
Chairman.

COPY.

Muskegee, Indian Territory, May 21, 1903.

Hansfield, McMurray & Cernish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 9th day of May, 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 Rebecca Elizabeth Boyd, et al., of which decision you were advised by mail on the 14th day of February, 1903.

Respectfully,

(SIGNED)

Tame Bixby,
Chairman.

M.C.R. 6134

COPY.

Muskogee, Indian Territory, May 21, 1903.

Rebecca Elizabeth Boyd,
Ardmore, Indian Territory.

Dear Madam:

You are hereby notified that on the 9th day of May, 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 Rebecca Elizabeth Boyd, et al., of which decision you were advised by registered mail on the 14th day of February, 1903.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Muskogee, Indian Territory, January 5, 1904.

T. S. E. Brown,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 31, 1903, in which you ask to be advised the status of the Mississippi Choctaw case of Mrs. Elizabeth Rebecca Boyd, et al.

In reply you are informed that it appears from our records that on May 9, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by Rebecca Elizabeth Boyd for the identification of herself and her minor children, Thomas F., John J., Bessie Belle, Docia E., Bertha I., David Isaac and Charles W. W. Boyd, as Mississippi Choctaws, of which departmental action she was duly notified on May 21, 1903.

The Commission now considers this case closed.

Respectfully,

Chairman.

Muskogee, Indian Territory, February 16, 1904.

Rebecca E. Boyd,
Glenn, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 22, 1904, relative to the decision of the Commission refusing your application for the identification of yourself and minor children as Mississippi Choctaws, and enclosing a contract made between you and J. E. Arnold.

In reply you are informed that on May 9, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were duly notified on May 21, 1903. The Commission now considers your case closed.

No advice can be given you relative to the contract made between you and Arnold, than to invite your attention to the following provision of the Act of Congress of May 31, 1900:

"Provided further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void."

Your contract is herewith returned.

Respectfully,

McM XL

Commissioner in Charge.

M.O.R. 5136

Muskogee, Indian Territory, March 29, 1904.

Rebecca S. Boyd,

Glenn, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 22nd instant in which you ask to be advised the status of your application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that on May 9, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which Departmental action you were notified on May 21, 1903.

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

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 20, 1904.

A. K. Boyd,

Glenn, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 8, 1904, by reference from the Secretary of the Interior. You enclose in your letter the affidavit of one Dicey Loggins in support of the application made by your wife, Rebecca E. Boyd, for the identification of herself and minor children as Mississippi Choctaws.

As advised in our letter of March 29, 1904, the Commission now considers this case closed, and is without authority to receive or consider any further evidence in support thereof.

The affidavit above mentioned is herewith returned you.

Respectfully,

JYM-25.

Chairman.

Muskogee, Indian Territory, May 13, 1904.

A. K. Boyd,

Glenn, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 24, 1904, by reference from the Secretary of the Interior, relative to the decision of the Commission refusing the application made to this Commission for the identification of your wife and children as Mississippi Choctaws.

As previously advised, the Secretary of the Interior, on May 9, 1903, approved the Commission's decision refusing the application made by Rebecca E. Boyd for the identification of herself and minor children as Mississippi Choctaws. Said decision having been approved by the Secretary of the Interior, the Commission considers this case closed, and it is not believed that Rebecca E. Boyd and her minor children are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.
Respectfully,

Chairman.

M C R 5136

Muskogee, Indian Territory, October 17, 1904.

Rebecca H. Boyd,
Glenn, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you ask to be allowed to introduce affidavits in support of your application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that on May 9, 1903, the Secretary of the Interior approved the Commission's decision refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

The Commission now considers your case closed and is without authority to receive or consider any further evidence in support thereof.

Respectfully,

Chairman.

Muskogee, Indian Territory, February 27, 1905.

Rebecca Elizabeth Boyd,

Glenn, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 8th instant, by reference from the Secretary of the Interior. You state that your communication is in reply to a letter received by you from the Department in which it was stated that the mere fact of a person being possessed of Choctaw blood does not entitle them to identification as a Mississippi Choctaw. You now claim to be in possession of information relative to the compliance of your ancestors with the provisions of article 14 of the treaty of 1830.

In reply you are informed that as the Secretary of the Interior has heretofore approved the Commission's decision refusing your application for identification as a Mississippi Choctaw, the Commission is without authority to receive or consider any further evidence in support of your claim.

Respectfully,

Commissioner in Charge.

MUR 8136

Muskogee, Indian Territory, November 11, 1905.

Rebecca E. Boyd,

Glenn, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of October 20, 1905, by reference from the Secretary of the Interior. Therein you request to be advised if you can appear with your witnesses and submit testimony in support of your claim to citizenship.

In reply you are informed that the Secretary of the Interior on May 9, 1903, approved the decision of the Commission to the Five Civilized Tribes rendered February 14, 1903, refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

This office now has no authority to receive or consider any further evidence in support of your claim.

Respectfully,

Commissioner.

M C R 5136

Muskogee, Indian Territory, March 5, 1906.

A. K. Boyd,

Glenn, Indian Territory.

Dear Sir:

Replying to your letter, without date, you are informed that the application of Rebecca E. Boyd, et al. for identification as Mississippi Choctaws has been refused by the Commission to the Five Civilized Tribes and the Secretary of the Interior. Therefore the case is considered closed.

Respectfully,

Acting Commissioner.

M O R 5136

Muskogee, Indian Territory, July 6, 1906.

J. V. Cabell,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd ultimo, transmitting motion for reopening the Mississippi Choctaw case of Rebecca Elizabeth Boyd, et al. Said motion has this day been forwarded to the Secretary of the Interior.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the Mississippi Choctaw case of Rebecca E. Boyd, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of February 14, 1903, adverse to the applicants, was, on March 2, 1903, forwarded the Department.

May 9, 1903 (I T D 2832-1903), the Department affirmed the decision of said Commission rendered February 14, 1903.

June 26, 1906, this office received from J. V. Cabell, attorney at law, Ardmore, Indian Territory, a petition signed by Rebecca Elizabeth Boyd, praying that the above case be reopened in order that the applicants might introduce further evidence in support of their claim. The petition is herewith transmitted.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

McM 6/7

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
LLE

D. C. 48524-06.

November 2, 1906.

I. T. D. 20538-1906.

L. R. B.

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

Sir:

July 6, 1906, you submitted a motion for rehearing by Rebecca E. Boyd in the Mississippi Choctaw case of herself and children.

In this case the Department on May 9, 1903, affirmed the decision of the Commission to the Five Civilized Tribes, adverse to the applicants.

The motion is not supported by any affidavits, and in it it is merely requested that the applicants be allowed "to introduce new testimony lately secured establishing the fact of ancestors compliance with Treaty of 1830".

As the motion is entirely insufficient to warrant the ordering of a rehearing, it is denied.

A copy of Indian Office letter of October 11, 1906, submitting your report, is inclosed.

The papers in the matter have been sent to the Indian Office for its files.

Through the Commissioner
of Indian Affairs.
1 inc. and 4 to Ind. Of.

Respectfully,
(Signed) E. A. Hitchcock,
Secretary.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

Land
29791-1903.
57998-1906.

October 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:--

Referring to Departmental letter of May 9, 1903, (. I. T. D. 2832-1903), I have the honor to transmit herewith a petition signed by Rebecca Elizabeth Boyd, praying that the Mississippi Choctaw case of Rebecca E. Boyd, et al., be reopened in order that the applicants might introduce further testimony in support of their claim. The record in the case is also inclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

XRM-KKV.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
LLE

D. C. 48524-06.

November 2, 1906.

I. T. D. 30538-1906.

L. R. S.

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

Sir:

July 6, 1906, you submitted a motion for rehearing by Rebecca B. Boyd in the Mississippi Choctaw case of herself and children.

In this case the Department on May 9, 1903, affirmed the decision of the Commission to the Five Civilized Tribes, adverse to the applicants.

The motion is not supported by any affidavits, and in it it is merely requested that the applicants be allowed "to introduce new testimony lately secured establishing the fact of ancestors compliance with Treaty of 1830".

As the motion is entirely insufficient to warrant the ordering of a rehearing, it is denied.

A copy of Indian Office letter of October 11, 1906, submitting your report, is inclosed.

The papers in the matter have been sent to the Indian Office for its files.

Through the Commissioner
of Indian Affairs.
1 ins. and 4 to Ind. Of.

Respectfully,
(Signed) E. A. Hitchcock.
Secretary.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
29791-1903.
57998-1906.

October 11, 1906.

The Honorable,
The Secretary of the Interior.

Sir:--

Referring to Departmental letter of May 2, 1903,
(. I. T. D. 2832-1903), I have the honor to transmit herewith a pe-
tition signed by Rebecca Elizabeth Boyd, praying that the
Mississippi Choctaw case of Rebecca E. Boyd, et al., be reopened
in order that the applicants might introduce further testimony
in support of their claim. The record in the case is also
inclosed.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

KEM-KEM.

M.C.R. 5136.

COPY

Muskogee, Indian Territory, November 13, 1906.

J. V. Cabell,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

There is inclosed herewith copy of Departmental letter of November 2, 1906, denying the motion filed with this office by you on June 23, 1906, for a rehearing in the Mississippi Choctaw case of Rebecca Elizabeth Boyd, et al.

Respectfully,

SIGNED *Cams Bixby.*
Commissioner.

LBA 13-8.

M.C.R. 5136

COPY

Muskogee, Indian Territory, November 13, 1906.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 2, 1906, denied the motion filed with this office by J. V. Cabell, attorney at law, Ardmore, Indian Territory, on June 23, 1906, for a rehearing in the Mississippi Choctaw case of Rebecca Elizabeth Boyd, et al. This case includes the following persons:

Rebecca Elizabeth Boyd
John J. Boyd
Docia Elizabeth Boyd
David Isaac Boyd

Thomas Franklin Boyd
Bessie Belle Boyd
Bertha I. Boyd
Charles W. W. Boyd

It does not appear that there are any proceedings now pending in this case.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

M.C.R. 5136

COPY

Muskogee, Indian Territory, November 13, 1906.

Rebecca E. Boyd,
Glenn, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 2, 1906, denied the motion filed with this office by J. V. Cabell, attorney at law, Ardmore, Indian Territory, on June 23, 1906, for a rehearing in the Mississippi Choctaw case of Rebecca Elizabeth Boyd, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

M.C.R. 5136

COPY

Muskogee, Indian Territory, November 13, 1906.

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

Gentlemen:

There is inclosed herewith copy of Departmental letter of November 3, 1906, denying the motion filed with this office by J. V. Cabell, attorney at law, Ardmore, Indian Territory, on June 23, 1906, for a rehearing in the Mississippi Choctaw case of Rebecca Elizabeth Boyd, et al.

Respectfully,

SIGNED *Tams Bixby,*
Commissioner.

LBA 13-9.

13744-1909

Muskogee, Oklahoma, June 5, 1907.

Rebecca B. Boyd,
Glenn, Oklahoma,

Madam:

Receipt is hereby acknowledged of your letter of May 27, in which you give the names of your father and mother and your grandfather and great grandfather and you desire to know if any of their names appear on the roll.

In reply you are advised that it appears from the records of this office that you were an applicant for the identification of yourself and your children as Mississippi Choctaws and on February 14, 1903 the Commission to the Five Civilized Tribes rendered its decision refusing this application. On May 9, 1903 the Secretary of the Interior affirmed this decision and it does not appear that any subsequent action was taken in this case.

You are further advised that the rolls of citizenship of the Five Civilized Tribes were closed on March 4, 1907, and this office is now without authority to receive or entertain the applications of any persons for enrollment in any of said tribes.

Since the date last above named there has been no addi-

Y. E. E. E.

tional legislation relative to enrollment nor have I any information as to the probable reopening of the rolls in the future.

Respectfully,

Acting Commissioner.

AB

No. 5136

For Identification as a Mississippi Choctaw.

Date Nov 11, 1902.

Name Rebecca E. Boyd

Age 38 Blood 3/16

Post Office, Ardmore, L. T.

Father: Andy Sears, l.

Mother: Eliza " d

Claims through mother
Husband A. K. Boyd. l.w.

No claim for husband.

Children:

Thomas F. Boyd,	17
John J. Boyd —	16
Bessie Belle " —	13
Hocia E. " —	11
Bertha L. " —	6
David Isaac " —	5
Charles W. W. " —	3

Claim for self & children

Stenographer G. R. ...

Choctaw. MCR 5137

Lee O. Moore.

See MCR 762

MCR 5137

5137

Department of the Interior.
Commission to the Five civilized tribes.
Muskegee, I.T. April 11, 1902.

5137

In the matter of the application of Lee O. Moore for the identification of himself and his five minor children, Hayden, Annis Lee, Gordon, Maria May and L. O. Moore, as Mississippi Choctaws.

J. O. Ralls, att'y for applicant.

Lee O. Moore, being duly sworn testified as follows :

Examination by the Commission:

- Q What is your name? A Lee O. Moore.
Q What is your age? A Thirty eight years old.
Q What is your post office address? A Mountain Peak Texas.
Q How long have you lived at Mountain Peak? A About thirty four years.
Q Where were you born? A Arkansas.
Q What place in Arkansas? A Free Creek, Union County.
Q How long did you live in Arkansas? A About four years.
Q And then you went where? A Texas.
Q And have you 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 George Moore.
Q What was your mother's name? A Fannie Moore.
Q You claim through which parent, father or mother? 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 the Indian Territory? A Never.
Q Have you proof of the marriage of your father and mother with you?
A I haven't it with me; no sir.

- Q Do you think you could produce that later if given time? A I think so.
- Q Where were they married? A In Gary County, Alabama.
- Q Know if they were married under a license by a minister? A I don't know.
- Q Remember the date of that marriage? A No sir, I don't.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q Is she an Indian or white woman? A White.
- Q What is her name? A Eoulene Moore.
- Q You make no claim for her? A No sir.
- Q Have you any children under ten years of age and unmarried for whom you want to make application? A Yes sir.
- Q What is the name of the oldest? A Hayden Moore.
- Q Is that a mail? A Yes sir; that's a male.
- Q How old? A Fourteen years old.
- Q Next? A Annie Lee.
- Q How old is Annie Lee? A Twelve years.
- Q Next? A Gordon I believe; he is ten years old.
- Q What is the next--? A Lydia May.
- Q How old is Lydia May? A She is six years old.
- Q The next? A L.O. is the name.
- Q Next? A That the name.
- Q Is that a boy or girl? A Boy.
- Q How old? A Two years old.
- Q Is your name or the name of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Is Eoulene Moore the mother of these children? A Yes sir.
- Q And you are the father? A Yes sir.
- Q Are they all living with you at your home? A Yes sir.
- Q Were either you or your wife married before you married each other? A No sir.
- Q Have you proof of the marriage to your wife here? A No sir, not with me, I can get it any time though.

Reasonable time will be allowed you for that purpose.

- Q Do you know when you were married? A I can't remember the date.
- Q Were you married in Texas? A Yes sir.
- Q What place? A Mountain Peak.
- Q Don't remember the date? 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 ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission at any time before this present application? 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 Never.

Q Do you now come before the Commission to be 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 understand that article of that treaty? A Yes, I think I do in substance.

Q Care to have it further explained? A No sir.

The treaty is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not 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 article fourteen of the treaty of 1830? A I don't know.

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

Q Has that Tubb an "s" on it? A I think not.

Q What relation is George Tubb to you? A He is my great grandfather.

Q Did he have an Indian name? A I think he did.

Q Do you know what it was? A Pay-tubbe I think it was.

Q Pay-tubbe? A Yes sir.

Q Did George Tubb speak the Choctaw language?

A I don't know.

Q Did he live in Mississippi in 1830? A I think so; yes sir.

Q Did he have a family of children there then? A I think so.

Q In other words he was the head of a family there then? A Yes sir.

Q You claim through your father, do you? A Yes sir.

Q How old would he be if living now? A Eighty years old.

Q Born in Mississippi? A He was born in Alabama.

Q Did he claim through his father or mother? A Mother.

Q What was her name? A Lydia Tubb.

Q A daughter of George Tubb? A Yes sir.

Q And she married a Moore? A Yes, Alexander Moore.

Q Did they live in Mississippi? A Yes sir.

- Q Was your mother born in Mississippi? A No sir in Alabama.
- Q I meant your grandmother? A She lived in Mississippi; she was born in Mississippi, Lydia Moore.
- Q How old would she be if living now? A I could not tell you.
- Q Did your father die in Texas? A Yes sir.
- Q He removed from where? A Arkansas.
- Q And he went to Arkansas from what State? A Alabama.
- Q He never lived in Mississippi then? A No sir.
- Q Do you know where in Alabama he lived then? A In Perry County.
- Q Have any of your Choctaw ancestors ever owned 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 them 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 your Choctaw ancestors own any land or claim any or receive any benefits of any kind from the Government as Choctaw Indians in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.

The Choctaw Indians who lived in Mississippi and Alabama in that 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 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 down on 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 lands and their improvements both were taken from them by the Government and sold at Public Land Sale. This caused many complaints among the Choctaw Indians especially among those who lost their lands and as a result of these complaints Congress appointed a Commission by an act approved March 3, 1837, 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 by an act approved August 23, that year, and this Commission also went to Mississippi and heard claimants under article fourteen.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed benefits under article fourteen of that treaty? A I don't.

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 further appeared that he had land in Mississippi which the Government had taken from him and sold that he should be entitled to select land in Mississippi, Alabama, 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 Do you know if any of your Choctaw ancestors received any scrip from the Government? A I don't know.
Q What relation are you to Milton Ikard? A Second cousin.
Q He has appeared here has he not? A Yes sir.
Q He be identified as a Mississippi Choctaw? A Yes sir.
Q And others claiming through the same common ancestor? George Tubb?
A Yes sir.

His number M.C.R.767 is here referred to.

- Q Do you want to have the testimony given by him in his application and also the testimony given by all others who claim through the same ancestor and have been before the Commission to be identified as Mississippi Choctaws considered with your testimony? A Yes sir.
Q Have you any documentary or any other proper evidence that you want to present now in support of this claim? A I haven't now.

(Attorney for applicant asks for reasonable time;- it is allowed this applicant in which to furnish other proper evidence in this application.)

(The time limited in these cases of applicants who appear before the Commission to be identified through George Tubb, is limited to 30 days at the suggestion of J.G.Ralls, counsel for applicant.)

- 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?
A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, medium complexion dark hair. 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 as stenographer to the Commission to the Five Civilized Tribes he reported in full all 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 proceedings on said date.

Henry G. Hains

Subscribed and sworn to before me this 5th May, 1902.

[Signature]
Notary Public.

Miss. Choctaw 5187.

Wuskogee, Indian Territory, May 13, 1908

J. C. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 6, inclosing certified copy of marriage license and certificate between L. O. Moore and Miss Zouline Orr, which you offer in support of the application for identification as Mississippi Choctaws of Lee O. Moore, et al., and the same has been filed with the record in this case.

Yours truly,

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. 5137

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Lee O. Moore,
Mountain Peak, 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. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornelia 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, Clotce 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, Elia 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).

Tams Bixby.

Chairman.

Registered.

M.C.R. 5137

Muskogee, Indian Territory, May 1, 1905.

Lee O. Moore,

Mountain Peak, 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 11, 1902.

Name Lee O. Moore.

Age 38 — Blood 1/16 Peak

Post Office, Mountain ~~Peak~~ Tex.

Father: George Moore, d

Mother: Fannie " d

Claims through father —
wife — Zoulene Moore, l.w.
No claim for wife.

Children:

- Hayden Moore (M), 14
- Annie Lee " 12
- Gordon " 10
- Lydia May " 6
- ~~William~~ " 6
- L. O. " (M) 2

Claims for self
and children

Stenographer G. H. Haine.

Choctaw MCR 5138

Lu Blakeney

See MCR 762

MCR 5138

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 11, 1902.

5138

In the matter of the application of Lu Blakeney for the identification of herself and her two minor children, Vernon Cole and Tommie Blakeney, as Mississippi Choctaws.

J.G. Balls, att'y for applicant.

Lu Blakeney being sworn on his oath testified as follows:

Examination by the Commission:

- Q What is your name? A Lu Blakeney.
Q What is your age? A Forty eight.
Q What is your post office address? A Ferris, Ellis County, Texas.
Q How long have you lived there? A About twenty five years.
Q Where were you born? A Choctaw County, Alabama.
Q How long did you live in Alabama? A I don't know my age exactly when I left there.
Q Did you live there till you were a young lady? A Till I was about twelve or thirteen.
Q Then you went--? A To Mississippi and lived there about four years, and from there I went to Ellis County, 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 Thomas G. Cole.
Q What was your mother's name? A Her maiden name was Tubbs; Lucinda Cole was her married name.
Q Do you claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A Eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir, not that I know of.
Q Is your husband living? A Yes sir.
Q Is he Indian or white man? A White man.
Q What is his name? A J.G. Blakeney.

- Q You make no claim for your husband? A No sir, only for myself.
- Q Have you any children you want to make application for? A I have three children.
- Q Under age and unmarried? A Two under age.
- Q And not married? A No sir.
- Q Give me the name of the oldest under age? A Vernon Cole Blakeney. She is nineteen years old; it is a girl.
- Q The next child? A Tommie.
- Q Is that a boy? A Yes sir.
- Q Tommie is how old? A Fourteen.
- Q Is J.C. Blakeney the father of these children? A Yes sir.
- Q And they are living with you at your home are they? 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 the Indian Territory? A No sir, not that I knew 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 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 Did you ever make application for your children to the Choctaw tribal authorities for citizenship in the Choctaw Nation? 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 Do you now come before the Commission to be identified and for the identification of these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Is this the first application that you have ever made to the Dawes Commission or the Choctaw tribal authorities at any time up to the present date? A Yes sir.
- Q Do you understand article fourteen of the treaty of 1830? A Yes sir, I have heard it explained.
- Q Would you like to have it further explained? A No sir.
- Q 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 the provisions of article fourteen 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 George Tubb; my mother first, and then my grandfather.

Q Your mother was named? A Lucinda Tubb and she married Thomas G. Cole.

Q How much Choctaw blood did George Tubb have? A Half.

Q How do you know that? A That's what I have been told.

Q In the family? A Yes sir.

Q It is a matter of family history and tradition, is it? A Yes sir.

Q Did he have a Choctaw Indian name? A Yes sir..

Q What was it? A Pay-tubbe.

Q Did he live in the State of Mississippi in 1830? A Yes sir.

Q Was he head of a family there then? A Yes sir.

Q This you also got from family history and tradition? A Yes sir.

Q What was his wife's name? A My grandfather's wife? I don't know; I know her name before she married Tubb-- no, I have forgotten.

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, 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 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 I don't know sir.

Q Did any of your Choctaw ancestors own any land or claim any or any benefits of any kind in Mississippi or Alabama under the provisions of article fourteen of the treaty of 1830? A I don't know sir.

The Choctaw Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified refusing to go to the Choctaw Nation, Indian Territory, under that treaty, 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 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 place upon his register known as Ward's Register, and his failure to make a proper record of the names of those applicants who came before him and attempted to register under article fourteen of the treaty of 1830 caused a good many Indians who had lands in Mississippi upon which they had improvements to lose both they were both taken by the Government and sold 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 which went to Mississippi and heard claimants under article fourteen of that treaty; in 1842 another Commission was appointed under an act approved August 23, that year, 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 if any of your Choctaw ancestors went before the Commission of 1837 or 1842 and claimed any benefits under article four-

teen of that treaty? A No sir.

Q Did any of your ancestors receive any scrip from the Government as Choctaw Indians which was issued under an act approved August 23, 1842, and which would entitle them to select land in either Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and to replace the land which they had taken from them by the Government and sold? A No sir.

Q Have you any other evidence or proof you want to introduce at this time in support of this claim? A No sir.

(Thirty days time is allowed this applicant in which to introduce proper evidence in support of this application.

Q You have had other relatives who have appeared here to be identified? A Yes sir.

Q Is Milton Ikard one of them? A Yes sir.

Q What relation is he to you? A First cousin.

Q And others have also appeared to be identified claiming through George Tubb, have they not? A Yes sir.

The case of Milton Ikard, M.C.R. 767, is here referred to and made a part of this application.

Q Would you like to have the testimony of all of those relatives considered with your case-- have the cases all consolidated? A Yes sir.

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

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

Examination by J.G.Ralls, att'y for applicant.

Q Have you heard that your grandfather was on any of the rolls back there in Mississippi of 1830 under his Indian name? A No sir, I don't know.

Q You don't know whether you have or not? A No sir.

Q That's all.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; medium fair complexion, blue eyes, brown 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 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 case on said date.

Henry's name

Subscribed and sworn to before me this 1st day, 1902



Henry Public

Miss. Choctaw 5138
Miss. Choctaw 5139
Miss. Choctaw 5140

Muskogee, Indian Territory, October 18, 1902.

T. J. Cole,
Washburne, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 15, inclosing the following papers for filing in support of applications for identification as Mississippi Choctaws:

Certified copy of marriage license and certificate between J. C. Blakeney and L. B. Cole offered in support of the claim of L. Blakeney, et al.

Certified copy of marriage license and certificate between J. H. Orr and Clyde Cole, offered in support of the application of Clyde Orr.

Certified copy of marriage license and certificate between A. C. Speer and Alma Cole, offered in support of the application of Alma Cole Speer, et al.

The same have been filed with the record in the above named cases.

Respectfully,

Acting Chairman.

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

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5138

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Lu Blakeney,

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. 5215

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. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalaina 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. 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).

Tame Bixby.

Chairman.

Registered.

M.C.R. 5138.

Muskogee, Indian Territory, May 1, 1905.

La Blakéney,

Ferris, Texas.

Dear Madam:

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 B. 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 11 1902

Name Lu Blakeney

Age 48 - Blood 1/8

Post Office Ferris, Texas

Father: Thomas G. Cole, d

Mother: Lucinda " d

Claims through mother

Husband J.C. Blakeney, l.w.

No claim for husband

Children:

(girl) Vernon Cole Blakeney, 19

(boy) Fommie " 14

Claims for self & children.

Stenographer H. G. Laine,

Choctaw MCR 5139

Clyde Orr

See MCR 762

MCR 5139

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 11, 1902.

5139

In the matter of the application of Clyde Orr for identification
as a Mississippi Choctaw.

J.G.Ralls, att'y for applicant.

Clyde Orr being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Clyde Orr.
Q What is your age? A Twenty two; will be twenty three in July.
Q What is your post office address? A Ferris, Ellis County, Texas.
Q How long ave you lived there? A All my life.
Q Were you born there? 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 Thomas G. Cole.
Q What was your mother's name? A Elizabeth Cole.
Q Through which parent do you claim your Choctaw blood? A My father
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your father ever been recognized in any 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 Not that I knew of.
Q Have you proof of the marriage of your father and mother with you?
A No sir. He said he would get it and send it.
Q It will be introduced then in one of these cases? A Yes sir.
Q Do you know when and where your father and mother were married
A In Dallas, Texas, I think it was in '76.
Q You don't remember the day of the month? A No sir.
Q By a minister and under a license? A Yes sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q Is he Indian or white man? A White man.
Q What is his name? A J.H. Orr.
Q Do you make any claim for him? A No sir.
Q Or for anyone except yourself? 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 made application for citizenship in the Choctaw Nation to either the Dawes Commission or the Choctaw tribal authorities at any time prior to this application? 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 Understand that article? A I have had it explained; I think I do.

Q Can you explain it, do you think? A I don't know whether I can explain it or not; I know the purpose of it was to protect the Choctaw Indians in Mississippi.

Q Remember when it was passed? in 1830? A Yes sir.

Q And in what way were the Indians who remained in Mississippi to be protected under that article, do you remember-- any provisions of it-- were they to go to the United States Indian agent, Col. Ward? (No answer.)

The treaty was made in 1830 and was for the special benefit or 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 Indian Territory under that treaty and in order to protect them in their interests article fourteen was put into the treaty. That article being inserted into the treaty that treaty was afterwards 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 How did any of your ancestors comply or attempt to comply in any way with the provisions of article fourteen of that treaty as read to you and explained? A Not that I know of.

- Q what is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Thomas G. Cole.
- Q Go way back as far as you can? A George Tubb.
- Q What relation was he to you? A My great grandfather.
- Q How much Choctaw blood did he have? A He was a half.
- Q Did he live in Mississippi in 1830? A I think he did.
- Q Was he head of a family there then? A Yes sir.
- Q You get that from family history and tradition? A Yes sir.
- Q Did he have a Choctaw name? A Yes sir.
- Q Do you know what it was? A Patubbe, I believe it was.
- Q You claim through your father, Thomas G. Cole? A Yes sir.
- Q Did he claim through his father or mother? A Mother.
- Q Her name was what? A Lucinda Tubb.
- Q Whom did she marry? A Thomas G. Cole.
- Q And her father was George Tubb? A Yes sir.
- Q Did your father live in Mississippi at any time? A Yes sir.
- Q Was he born in Mississippi? A I don't know whether it was in Mississippi or Alabama. (Her aunt says in Choctaw County, Alabama.)
- Q And from Alabama he went where? A To Mississippi.
- Q And from there-- A To Texas.
- Q Where he lives now? 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 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 States? A I don't know that they 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 to 1838 or 1840? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any or any benefits of any kind as Indians in Mississippi or Alabama under article fourteen of 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 refused to go to the Choctaw Nation, Indian Territory under 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 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 Choctaw Indians did this whose names Col. Ward, failed to put upon his list known as Ward's Register and the result of his failure to do so caused many Indians who had land in Mississippi upon which they had improvements to lose both land and improvements; they were both taken from them by the Government and sold at Public Land Sale. 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; 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; this Commission also went to Mississippi and heard claimants under article fourteen.

Q Did any of your Choctaw ancestors go before either of these two Commissions and prove their claims or assert their rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it further appeared that he 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 in either 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 scrip from the Government as Choctaw Indians? A I don't know.

Q What relation is Milton Ikard to you? A He is my second cousin.

Q He has been before the Commission to be identified has he not?

A I think so.

His number, M.C.R. 767 is here referred to.

Q Would you like to have the testimony given by him in his case and also the testimony of other relatives who have appeared here claiming through the same common ancestor considered with your application?

A Yes sir.

Q Have you any other evidence that you want to introduce now or any witnesses you want to call? A No sir.

(At the suggestion of J.G. Ralls, counsel for these applicants, thirty days time is limited in which for the applicant to further present such evidence as she may desire in support of this application.)

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

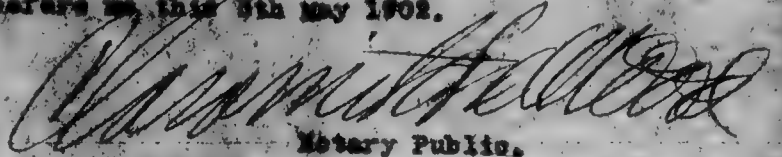
This applicant has the appearance and physical characteristics of being descended from white parentage; medium light complexion, brown eyes, brown hair. No knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen 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 11, 1902
and that this is a full, true and correct transcript of his steno-
graphic notes in said cause on said date.

Henry D. Hains.

Subscribed and sworn to before me this 5th May 1902.



Notary Public.

Miss. Choctaw 5138

Miss. Choctaw 5139

Miss. Choctaw 5140

Muskogee, Indian Territory, October 18, 1902.

T. J. Cole,

Waxahachie, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 18, inclosing the following papers for filing in support of applications for identification as Mississippi Choctaws:

Certified copy of marriage license and certificate between J. C. Blakeney and L. E. Cole offered in support of the claim of L. Blakeney, et al.

Certified copy of marriage license and certificate between J. H. Orr and Clyde Cole, offered in support of the application of Clyde Orr.

Certified copy of marriage license and certificate between A. C. Spear and Alma Cole, offered in support of the application of Alma Cole Spear, et al.

The same have been filed with the record in the above named cases.

Respectfully,

Acting Chairman.

COMMISSIONERS

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5139

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Clyde Orr,

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. 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, Alline 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 Burlison, R. D. Burlison, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

SIGNED

Tame Dixby.

Chairman.

Registered.

M.C.R. 5139.

Muskogee, Indian Territory, May 1, 1905.

Clyde Orr,

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, 1904.

Respectfully,

Chairman.

No. 5139

For Identification as a Mississippi Choctaw.

Date

Name *Clyde Orr.*

Age *22* - Blood *1/16*

Post Office, *Ferris, Texas.*

Father: *Thomas S. Cole, l*

Mother: *Elizabeth " d*

Claims through *factum*
Husband
J. D. H. Orr, l. w.

No claim for
husband -

Children:

Claim for self
alone -

Stenographer *H. M. Harris,*

Choctaw MCR 5140

Alma Cole Speer

See MCR 762

MCR 5140

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 11, 1902.

5140

In the matter of the application of Alma Cole Speer for the identification of herself and her two minor children, Elizabeth and Mary Louise Speer, as Mississippi Choctaws.

J.G.Ralls, att'y for applicant.

Alma Cole Speer, being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Alma Cole Speer.
Q What is your age? A Twenty four.
Q What is your post office address? A Ferris Texas.
Q How long have you lived at Ferris? A All my life; born within five miles of there.
Q Is your father living? A Yes sir.
Q His name? A Thomas G. Cole.
Q What is your mother's name? A Elizabeth Cole.
Q Is she living? A No sir, dead.
Q Through which parent do you claim 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 in the Indian Territory by either the Choctaw tribal authorities or the authorities of the United States? A No sir.
Q Have you proof of his marriage with you? A Not with me; he has it
Q What will be filed in his application? A Yes sir.
Q The consolidated cases. Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q Choctaw or white man? A White man.
Q What is his name? A A. C. Speer.
Q You don't make any claim for him? A No sir; he can look out for himself.
Q Give me the name of your oldest child for whom you want to make application? A Elizabeth Speer.
Q The next? A Mary Louise.

- Q How old is Elizabeth? A She was two years old last January.
- Q How old is Mary Louise? A She will be a year in August; she is eight months old.
- Q You claim for yourself and these two children, do you? A Yes sir.
- Q Is A.C. Spear the father of these children? A Yes sir.
- Q They are 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 Is your name or the name of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever before this time made application for yourself and children for enrollment as Choctaw Indians at any time or to any authority? 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 Understand that article? A I guess I do.
- Q You have had it explained to you? A Yes sir.
- Q Do you want it further explained? A I think not, I have heard you explain it to my sister.

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 a section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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 with any of the provisions of that article fourteen of the treaty of 1830? A Not that I know of.
- Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Thomas G. Cole.

- Q Do you go back farther than that? A My grandmother Lucinda Cole, through her to her father, George Tubb, my great grandfather.
- Q How much Choctaw blood did he have? A One half I think.
- Q Did he have a Choctaw Indian name? A Pa-tubbe.
- Q Did he speak the Choctaw language? A Not that I know of.
- Q Did he live in Mississippi in 1830? A Yes sir.
- Q Was he head of a family there then? A Yes sir.
- Q You get that knowledge through family history and tradition?
A Yes sir.
- Q Was he upon any of the rolls of Choctaw Indians in Mississippi or Alabama? A I don't know that he was.
- Q Where was your father born? A In Alabama.
- Q And from Alabama he went where? A Mississippi.
- Q And from there where? A Texas.
- Q And has lived there since? A Yes sir.
- Q Have any of your Choctaw ancestors ever owned 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 intended to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors 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 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-- A Not that I know of.
- Q Under article fourteen of the treaty of 1830? A Not that I know of.

The Indians who remained in Mississippi after the treaty of 1830 was ratified refusing to go to the Choctaw Nation, Indian Territory under that treaty 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 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 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 their improvements, both were taken from them and sold by the Government and sold at Public Land Sale. This caused so many complain among the Choctaw Indians in Mississippi that Congress appointed a Commission in 1837 and this Commission 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.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed benefits under article fourteen of that treaty? A I don't.

The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his right under article fourteen of the treaty of 1830 if it further appeared that he had formerly had land in Mississippi which the Government had taken from him and sold that he should be entitled to select land in either Mississippi, Alabama, Arkansas or Louisiana, 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.
Q What relation was Milton Ikard to you? A Second cousin.
Q He has made application to be identified here before the Commission as a Mississippi Choctaw? A Yes sir.

His case M.C.R. 767 is here referred to.

- Q Do you want to have his case considered with yours when this is examined by the Commission? A I do.
Q And also the cases of all relatives of yours-- A Yes sir.
Q Clyde Orr is your sister? A Yes sir.
Q What relation is Lu Blakeney to you? A My father's sister.
Q Lee O. Moore? A Is a third cousin I believe.
Q Lydia J. Singleton? A I believe Lydia Singleton is a third cousin too.
Q Do you want to have the testimony of all these relatives who have appeared claiming through the same common ancestor with you considered with your case? A Yes sir.
Q Have you any evidence you want to introduce now in support of your claim? A Not that I know of.

Thirty days time is allowed this applicant in which to introduce such other testimony or evidence she desires in support of this application.

- Q How much Choctaw do you speak? A I don't know any.
Q Have you any knowledge of it? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; light complexion, brown eyes, titian tinted hair; 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.

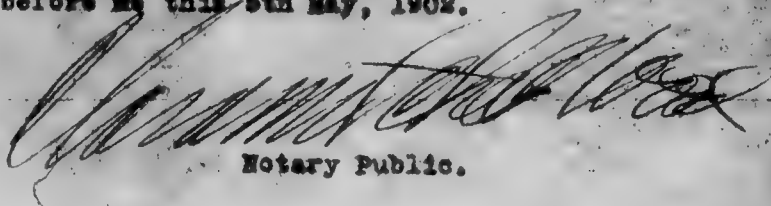
--

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 21, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry B. Laine

Subscribed and sworn to before me this 5th May, 1902.



Notary Public.

Miss. Choctaw 5138
Miss. Choctaw 5139
Miss. Choctaw 5140

Muskogee, Indian Territory, October 18, 1902.

T. J. Cole,

Waxahachie, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 15, inclosing the following papers for filing in support of applications for identification as Mississippi Choctaws:

Certified copy of marriage license and certificate between J. C. Blakeney and L. E. Cole offered in support of the claim of Lu Blakeney, et al.

Certified copy of marriage license and certificate between J. H. Orr and Clyde Cole, offered in support of the application of Clyde Orr.

Certified copy of marriage license and certificate between A. C. Speer and Alma Cole, offered in support of the application of Alma Cole Speer, et al.

The same have been filed with the record in the above named cases.

Respectfully,

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. 5140

ALLISON L. AYLESWORTH,
 SECRETARY

ADDRESS ONLY THE
 COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Alma Cole Spear,
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. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornelia 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. 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)

Tammie P. King

Registered.

Chairman.

M.C.R. 5140.

Muskogee, Indian Territory, May 1, 1905.

Alma Cole Speer,
Parris, Texas.

Dear Madam:

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 11 1902

Name Alma Cole Speer.

Age 24 - Blood 1/16

Post Office, Ferris, Texas.

Father: Thomas G. Cole, l.

Mother: Elizabeth " - d

Claims through
Husband father.
A. C. Speer, l. w.No claim for
husband

Children:

Elizabeth Speer, 2

Mary Louise " 8 m.Claims for
self and 2
children -

Stenographer

W. G. Hains,

Choctaw MCR 5141

Eula Grayson Hodges

See MCR 762

MCR 5141

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 11, 1902.

5141

In the matter of the application of Eula Grayson Hodges for
identification as a Mississippi Choctaw.

J.G.Ralls, att'y for applicant.

Eula Grayson Hodges being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Eula Grayson Hodges.
Q What is your age? A Twenty six.
Q What is your post office address? A Marquez, Texas.
Q How long have you lived in this place? A All my life.
Q Born and raised there? 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 H.A.Grayson.
Q What was your mother's name? A Mary Grayson.
Q You claim through which parent? A Mother.
Q How much Choctaw blood do you claim? A One thirty second.
Q Has your mother ever been recognized as a Choctaw Indian or en-
rolled as such by either the Choctaw tribal authorities or the
United States authorities, in the Indian Territory? A No.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q Is he a Choctaw Indian or white man? A White man.
Q What is his name? A Henry Hodges.
Q You make no claim for him? A No sir.
Q Do you make any claim for any others besides yourself? A No sir.
Q Just claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in the Indian Territory?
A No.
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 for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?

A No sir.

Q Have you ever made application to any authority whatever for citizenship in the Choctaw Nation previous to this application? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or 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 I do.

Q Do you understand that article? A Yes sir.

Q Will you explain it? A I know for what purpose it was I don't think I could explain it.

Q You think you understand it well enough to claim under it? A Yes 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 Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A No that I know of.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Mary Tubb. Through my mother and mother's father he was Flint Petty, and his mother was Mary Tubb.

Q Well, do you claim through George Tubb? A Yes sir.

Q What relation is George Tubb to you? A That would make him my great great great grandfather.

Q Mary Tubb was his daughter-- A yes, and she was my great great grandmother.

- Q What was the name of your Mississippi Choctaw ancestor who lived in Mississippi Choctaw country in 1830 and had a family there then?
A That's George Tubb.
Q He was the head of a family in Mississippi in 1830, was he?
A Yes sir.
Q Did he have a Choctaw Indian name? A Pa-tubbe.
Q Pa-t-u-b-b-a? A Yes sir.
Q How much Choctaw blood did he have? A One half.
Q Did he speak the Choctaw language? A I don't know.
Q You claim through your mother, don't you? A Yes sir.
Q How old would she be if living now? A Somewhere about fifty.
Q Where was she born? A In Mississippi I believe.
Q Did she leave that State? A Yes sir.
Q And went to Texas where she died
Q She claimed through whom? A Her father.
Q What was his name? A Flint Petty.
Q And did he live in Mississippi? A Yes sir. He moved from Mississippi to Texas.
Q He claimed through whom? A His mother.
Q And her name was what? A Mary Tubb.
Q She married whom? A I don't know his given name; it was Petty.
Q And her father was Tubb-- George Tubb? A Yes sir.
Q His daughter lived in Mississippi, did she? A Yes sir.
Q Was she born there, do you know? A I don't know.
Q Have any of your Choctaw ancestors ever owned 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 from 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 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 I don't know.
Q Did any of your Choctaw ancestors own any land or claim any or any benefits of any kind in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

The Choctaw 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 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 failed to put upon his list known as Ward's Register, and his failure to do this caused a good many Indians who held land in Mississippi upon which they had improvements to lose both their land and their improvements both were sold at Public Land Sale; 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 the treaty of 1830. In 1842 another Commission was ap-

pointed by Congress for the same purpose; 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 went before either the Commission of 1837 or that of 1842 and claimed benefits as Choctaw Indians under that article of that treaty? A I do not.

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 land in Mississippi 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.

Q What relation was Milton Ikard to you? A Third cousin.

Q Has Milton Ikard appeared before the Commission to be identified as a Mississippi Choctaw? A He has.

His case M.C.R.767 is here referred to and made a part of his record.

Q Would you like to have his case and the cases of all the other applicants who have appeared here claiming through the same common ancestor considered with yours? A Yes sir.

Q What relation is Alma Cole Spear to you? A Fourth cousin.

Q Have you any other proof that you want to introduce now in support of this application? A No.

Thirty days time is allowed this applicant in which to introduce other evidence if she desires in support of this claim.

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

Q When were you married to your husband, Henry Hodges? A March 12, 1902.

Q Married by a minister and under a license? A Yes sir.

Q At what place were you married? A Marquez Texas.

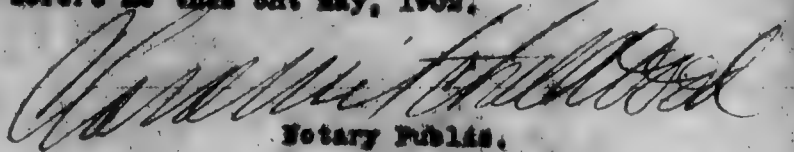
This applicant has the appearance and physical characteristics of being descended from white parentage; eyes gray, medium dark complexion, brown hair; has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen 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 above on April 11, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry S. Kaine

Subscribed and sworn to before me this 5th May, 1902.



Notary Public.

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. 6141

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**Eula Grayson Hodges,
Marques, 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 Moor:, 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, Metzy 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).

Tamoc Birby.
Chairman.

Registered.

Muskogee, Indian Territory, April 30, 1903.

Henry Hodges,
Marquez, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you ask "Will you please give me some information regarding the 'Indian Claims'. Are they being allotted yet? My wife Eula Grayson Hodges registered last fall and if her claim comes through would be glad to know it."

In reply you are informed that it appears from our records that Eula Grayson Hodges made application to this Commission for identification as a Mississippi Choctaw, her application being consolidated with the Mississippi Choctaw case of Lafayette E. Ikard, et al.

On April 20, 1903, the Commission rendered its decision refusing the several applications included in this consolidated case, and on the same date your wife was notified of the action of the Commission and that she would be allowed fifteen days from the date of said decision within which to file arguments in support of her claim to be forwarded to the Secretary of the Interior.

The fifteen days from April 20, 1903, heretofore granted in this case, will expire on May 5, 1903. On May 6, 1903, the

X X S

record in this case, together with such arguments as may be offered, will be forwarded to the Secretary of the Interior. The several applicants will be duly notified of such action as may be taken by him.

On April 15, 1903, the Commission established, at Atoka in the Choctaw Nation, and at Tishomingo in the Chickasaw Nation, offices for the allotment of the lands of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

M.C.R. 5141

Muskogee, Indian Territory, May 1, 1905.

Eula Grayson Hodges,
Marques, Texas,

Dear Madam:

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.

No. 5141

For Identification as a Mississippi Choctaw.

Date

APR 11 1902

Name Eula Grayson Hodges.

Age 26 — Blood 1/32

Post Office, Marquez, Texas.

Father: H. A. Grayson, l.

Mother: Mary " d.

Claims through mother

Husband,

Henry Hodges, l. w.

No claim for husband.

Children:

Claims for self
alone

Stenographer H. H. Harris

Choctaw MCR 5142

Elisha W. Petty

See MCR 762

MCR 5142

Department of the Interior,
Commission to the five civilized Tribes,
Muskogee, I.T. April 21, 1902.

5142

In the matter of the application of Elisha W. Petty for the identification of himself and his three minor children, Baby E., Blanche and Robert Lee Petty, as Mississippi Choctaws.

J.G. Hall, att'y for applicant.

Elisha W. Petty being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Elisha W. Petty.
Q What is your age? A Fifty three years old.
Q What is your post office address? A Marquez, Leon County, Texas.
Q How long have you lived there or in the neighborhood? A I have been living in Leon County since '61.
Q Where did you live before that? A In Mississippi; Forubbee County; born there.
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 You claim through your father or mother? A Father.
Q How much Choctaw blood do you claim? A He is one eighth.
Q You claim one sixteenth? A Yes sir, one sixteenth.
Q Has your father ever been recognized as a member of the Choctaw tribe of Indians or enrolled as such by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir, he has not.
Q Have you proof of his marriage here at this time? A No sir I haven't.
Q You can introduce that can you if you desire later? A Now of his marriage? I don't know whether I can prove that or not; I don't know; it has been long; I have got one uncle that is married- that is living.

Reasonable time will be allowed you to prove that.)

- Q Knew when and where they were married? A In Forubbee County, but

I can't tell you when.

Q Are you married? A Yes sir.

Q What is your wife's name? A I have been married twice.

Q You have no children by your first wife? A Yes, but they are of age.

Q What was your first wife's name? A My first wife's name was Harriet Dove.

Q Is she dead? A Yes sir.

Q Was she a white woman? A Yes sir.

Q Any Choctaw? A None that I know of.

Q You have married children by this wife, have you? A One is married; they are both over twenty one.

Q What is the name of the married child of your first wife?

A Hugh Edwin Petty.

Q Where does he live? A In Leon County, near Marquez.

Q What is the name of the next child? A James B. Petty.

Q Where does he live? A With me.

Q Neither of them have been before the Commission? A No sir.

Q What is the name of your second wife? A Fannie R. Petty.

Q She is living? A Yes sir.

Q And is she white woman or Indian? A Yes, white woman.

Q Make any claim for your second wife? A No sir she don't contain any Indian blood that I know of at all.

Q Give me the names of your children of your second wife. A Ruby

E. Petty is the oldest one.

Q How old is Ruby? A Thirteen years old.

Q Boy? A No sir; girl.

Q What is the name of the next? A Blanche.

Q B-l-a-n-c-h-e? A Yes sir.

Q Girl? A Yes sir.

Q How old? A Eleven years old.

Q The next? A The other is Robert Lee.

Q Boy? A Yes sir.

Q How old is Robert Lee? A Nine years old.

Q Any others? A No sir, that's all.

Q Is Fannie R. Petty the mother of these three minor children?

A Yes sir.

Q Are you the father? A Yes sir.

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

Q Were either you or your wife, Fannie R. Petty, married previous to your marriage to each other? A Yes, we both were.

Q But you have no children by either of these marriages that you desire to make application for? A No sir.

Q When were you married to your second wife, Fannie R.?

A In 1885 as well as I remember.

Q Remember the day of the month? A September 21st, if I am not mistaken, I think it is.

Q By a minister and under a license? A Yes sir.

Q Have you that marriage license and certificate with you? A I haven't got it here.

Q Can you introduce it later? 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 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 at any time previous to this present application to the Dawes Commission or the Choctaw tribal authorities for citizenship for yourself and children? A No sir I haven't.

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 Well, I have heard it explained and gone over; I suppose; I don't know whether I exactly understand it; I suppose I do.

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

Q would you like to have it explained further? A Yes, I would.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi; that treaty was made on the 27th day of September 1830 before the treaty was signed it became known that a great many Indians would refuse to go to the Choctaw Nation, Indian Territory; it is estimated that about 7000 did stay in the old Choctaw Nation refusing to go to the Indian Territory and in order to protect the interests of those who remained in the old Choctaw Nation-- most of them in Mississippi-- article fourteen was drawn up and put into the treaty of 1830 for their special benefit; the treaty was then signed and was afterwards 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 this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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 ever complied or attempted to comply with any of the provisions of that article of that treaty? A No sir, I don't.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother was Mary Tubb.

Q What was her father's name? A I think his name was George Tubb.

Q Your grandmother's name was what? A Mary Tubb.

Q And she married whom? A Alfred Petty.

Q And your father was one of her children? A Yes sir.

Q Did your father ever live in Mississippi? A Yes sir.

Q Was he born there? A I think not.

Q How old would he be if living now? A About 75 or 76 I think as well as I remember.

Q Where was he born? A In Tennessee I think. In Franklin County.

Q And he claimed through his mother? A Yes sir.

Q Was his mother born in Mississippi? A I can't tell you.

Q Did she ever live in Mississippi? A Yes, she come from there to ~~Mississippi~~ to Texas.

Q You don't know whether she was there in 1830? A I can't tell you

Q Was she head of a family in 1830? A I can't tell you whether my grandmother was living then or not; I don't know when he died.

Q You can't tell whether she or George Tubb lived in Mississippi in 1830 and were heads of families there then? A No sir; not that date later I know.

Q Did George Tubb have a Choctaw Indian name? A He certainly did-- they claim.

Q What was the name? A I don't understand you; I don't know.

Q How much Choctaw blood did he have? A He was a quarter the way I understand it; well,-- there's two George Tubbs; the father of my grandmother, Mary Tubb, was a half.

Q Who was the other George Tubb? A His son.

Q But you are not descended from that son, are you? A No sir, he would be a great uncle.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838 or 1840? 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 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 land or claim any in Mississippi or Alabama under article fourteen of 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 that treaty, to 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 good many Indians did this worse 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 both taken from them by the Government and sold at Public and Sale. This caused so many complaints among the Choctaw Indians that in 1827 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 and this Commission also went to Mississippi and heard claimants under this article.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen, do you know? A Not that I know of.

The act of Congress approved August 23, 1842, provided that if any Choctaw proved his claim under article fourteen of the treaty of Dancing Rabbit Creek if it further appeared that he had had land taken from him by the Government and sold in Mississippi 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.

Q What relation was Milton Ikard to you? A Second cousin. He and my father was first cousins.

Q He has made application to be identified before the Commission, has he not? A I think so.

His number M.C.R. 767 is here referred to and made a part of the record.

Q Do you want the testimony given by him in his case considered with yours? A Yes sir.

Q There are a great many other relatives of yours, are there not, claiming through George Tubb? A Yes sir, there are.

Q Would you like to have those cases all taken together? A Yes sir.

Q Have you any further evidence you want to introduce? A I don't know that I have.

(Thirty days time is allowed this applicant in which to introduce other proper evidence if he desires in support of this claim. Also reasonable time for this applicant to file marriage license of his marriage with Fannie R. Petty in this application he makes for his children.)

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

The following is a true and correct copy of the original document as presented to the Commission on the subject of the above proceedings.

visions of article 2 of the Constitution of the State of New York, and that Henry G. Hains, Notary Public for the County of Westchester, is the author of the above proceedings, and that the same are a true and correct transcript of his stenographic notes.

Henry G. Hains

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



Notary Public.

Mississippi Indian
Bureau

Washington, Indian Territory, May 15, 1908

W. F. Bell,
Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 10, inclosing the certificate of J. F. Johnson, County Clerk, Leon County, Texas, to the destruction of the marriage records of that county in 1881, joint affidavit of D. W. Tubb, M. 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 Yarkerough in 1881, which are offered in support of the application for identification as Mississippi Choctaws of E. W. Petty et al.

The receipt is acknowledged of joint affidavit of H. A. Grayson and A. B. Jones to the marriage of A. W. Petty and Margaret P. Grayson, in 1881. 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.

Miss, District Clerk

Washington, Indian Territory, May 11, 1906

J. G. Hall,

Attorney at Law,

Wagon, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 4, enclosing certified copy of marriage license and certificate between James V. Petty and Sarah A. H. Page, which you offer in support of the application for identification as Mississippi Choctaws of William W. Petty et al. and the same has been filed with the record in this case.

Yours truly,

Acting Chairman.

Miss. ...

Muskogee, Indian Territory, June 15, 1902.

U. D. ...
Attorney at Law,
Savannah, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 12,
including certified copy of what purports to be a record of the mar-
riage of Alfred Petty and his wife Polly, from an old family Bible,
and affidavit of Ezra Kelley, which you ask to have filed in support
of the applications of the descendants of Alfred Petty for identifi-
cation as Mississippi Choctaws, and the same have been filed with
the papers in this matter.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
TAMM DIXIE,
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

U. S. D. 5145

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Elisha V. Petty,
Marqueson, Texas.

Dear Sir:

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. 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, Eula

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, Alline 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. 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)

James Bixby.
Chairman.

Registered.

M.C.R. 5128

Washington, May 1, 1905.

WILLIAM W. Petty,

Chairman, Board of Commissioners

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 application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ihard et al., of which decision you were advised by registered mail on the 20th day of April, 1905.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date APR 25 1902

Name Eliha W. Petty.

Age 53 — Blood 1/16

Post Office, Marquez, Tex.

Father: James F. Petty d

Mother: Sarah Ann " d

Claims through father —

1. wife. Harriet (DOVE) d. W.

2. wife Fannie R. Petty, l. W.

No claim for 2nd wife.

Children: of 2nd wife —

Ruby E. Petty, F. 13

Blanche " F. 11

Robert Lee " M 9

~~Lee~~

Claims for self & children.

Stenographer

A. Y. Haines

Choctaw MCR 5143

Sam. H. Gray

See MCR 762

MCR 5143

Department of the Interior,
Commission on the so-called Civilized Tribes,
Washington, D.C. April 11, 1904.

(5143)

In the matter of the application of Sam H. Petty for the identification of himself as the father of his two minor children, Earl C. and Wallis Petty, as Mississippi Choctaws.

J. G. Balla, att'y for applicant.

Sam H. Petty, being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sam H. Petty.
Q What is your age? A Thirty nine.
Q What is your post office address? A Marquez, Texas.
Q How long have you lived there? A Thirty nine years.
Q All your life? A Yes sir.
Q Born there? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother? A No sir.
Q What is his name? A James F. Petty.
Q What is your mother's name? A Sarah Ann Petty.
Q Through which one of your parents do you claim your Choctaw blood?
A Father.
Q How much do you claim? A A sixteenth.
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 authorities of the United States in the Indian Territory?
A Not that I know of.
Q Do you know when your mother and father were married? A No sir.
Q You haven't the paper with you? A No sir.
Q Can you indicate what date? A I suppose I might.

Reasonable time will be allowed for that purpose.

- Q Are you married? A Yes sir.
Q What is your wife's name? A Lou Petty.
Q How is living? A No sir.
Q Where was she or where is she?
Q Do you make any other claim? A No sir.
Q Have you any children?
Q What is the name of the first? A Earl C. Petty.
Q Boy? A Yes sir.
Q What is his age? A Five years.
Q What is the name of the second?
Q Girl? A Wallis Petty.

- Q Girl? A Yes sir.
Q How old? A Two years old.
Q Is that all? A Yes, that's all the children.
Q You claim for yourself and children, do you? A Yes sir.
Q Is Lena Petty, your wife, the mother of these two children?
A Yes sir.
Q And she is living with you, and are you living with your wife and children? A Yes sir.
Q Were either of you married before you married each other? A No sir.
Q When were you married to your wife, Lena? A 1892 July 1.
Q By a minister and under a license? A Yes sir.
Q Where were you married? A Marquez, Texas.
Q Have you proof of that marriage with you? A No sir.
Q You can introduce that later? A Yes sir.

Reasonable time will be allowed you to do so, not to exceed thirty days.

- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for yourself and your eldest child 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 for yourself and for this eldest child under the act of Congress of June 10, 1896? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities or the United States authorities at any time previous to this application? A No sir.
Q Have you ever been admitted with your eldest child to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission to identify yourself and your two children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A I don't understand that.
Q Do you want to be identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that? A I have heard it explained here, pretty near all day.
Q Do you want to have it further explained? A No sir.

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

intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

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

A No, they didn't.

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

Q Now go back as far as you can in the history of your family and tell me the name of your Choctaw ancestor who lived in Mississippi in 1830? A My uncle George Tubb; he is my pa's uncle; my grand-- my pa's mother was his sister, if I understand it right.

Q Well, I want to get your ancestors in a direct line back. You claim through your father? A Yes sir.

Q He claimed through which parent, father or mother? A He claims through his mother I suppose.

Q What was her name? A Mary Tubb. Her maiden name was Mary Petty. She married Albert Petty.

Q She claimed through whom? A Father.

Q His name was what? A Tubb.

Q What Tubb? A E George Tubb.

Q She claimed through George Tubb and that's the George Tubb that you are claiming through, isn't it? A Yes sir.

Q Did he live in Mississippi in 1830? A Well, they say he did, I don't know only the history of the family.

Q Did he have a family of children there at that time? A Yes sir.

Q Then he was the head of a family there in Mississippi in 1830?

A Yes sir.

Q And he was your great grandfather? A Great grandfather or uncle.

Q Well, he was your great grandfather, wasn't he? A Yes sir; there is two George Tubbs; and this one is George Tubb my great grandfather.

Q Did he speak the Choctaw language? A I don't suppose I ever see him-- I don't know.

Q Ever hear he did? A No sir.

Q Did he have a Choctaw Indian name? A None but Tubb.

Q That's all you ever heard? A Yes sir.

Q Did any of your Choctaw ancestors own any improvements on a 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 them go from that old Choctaw Nation East of the Mississippi River to the Choctaw nation, Indian Territory, with the other Indians between 1833 to 1835 and 1840? 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.

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 that article of that treaty to go to the United States Indian Agent, Col. Ward, within six months after the treaty was ratified 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 and his failure to do this caused a good 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 Public Land Sale. This caused a good many complaints among the Indians especially among those that had lands taken- so that in 1837, March 3, on account of these complaints made, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of that treaty of 1830. In 1842 Congress appointed another Commission under an act approved August 23, that year, and this Commission 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, the one of 1837 or 1842, and claim any benefits 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 1830, if it further appeared that he had had land in Mississippi in the old Choctaw Nation 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 Not that I know of.

Q Who is Milton Ikard? A Second cousin of mine.

Q He has made application for identification as a Mississippi Choctaw? A Yes sir.

Q Claims through George Tubb? A Yes sir.

Q You have other relatives who have made this application for identification as Mississippi Choctaws claiming through George Tubb, the same common ancestor, not only today, but previously? A Yes sir.

Q Would you like the testimony of relatives of yours considered with yours? A Yes sir.

The number of the case of Milton Ikard, M.C.R. 767, is here referred to and made part of the record in this case.

Q Have you any documentary or other proper evidence? A None now.
Q Would you like time in which to produce such testimony? A There is two of these George Tubbs and which one of them you wanted I do not know.

Examination by J.G.Halls, att'y for applicant.

Q You are a brother of these Pettys who have just made application here, are you? A Yes sir.

Q You are not as old as they are? A No sir.

Q What they stated about your grandfather is correct is it? A Yes sir.

Q And about your great grandfather too-- is that correct? A I think so.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, medium fair complexion, brown hair and mustache. He has no knowledge of the compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of 1830.

Q Do you speak Choctaw? 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 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.

Chas. H. Halls
Notary Public.

Miss. Order 222

Muskogee, Indian Territory, May 16, 1902.

J. G. Kalls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 14, enclosing certificate of J. F. Johnson, County Clerk, DeWitt County, Texas, relative to the marriage license and certificate between S. H. Petty and Lena Mullens, offered in support of the application for identification as Mississippi Choctaws of Sam H. Petty et al., and the same has been filed with the record in this case.

Yours truly,

Acting Chairman.

Miss. Cheater 25125
Miss. Cheater 25706
Miss. Cheater 2 5706

Winkagee, Indian Territory, June 12, 1908.

E. H. Vaughan,

Attorney at Law,

Hallsboro, Tenn.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 9, inclosing certified copy of marriage license and certificate between J. R. Petty and A. G. Eaton, offered in support of the application for identification as Mississippi Cheaters of James R. Petty, et al; certified copy of record of marriages of Eliza Petty to Mary E. Dow December 20, 1880, to H. B. Haynes June 17, 1885, and to Jane Birdwell March 20, 1886 from the family Bible of Eliza Petty, offered in support of the application of Eliza Petty for identification as a Mississippi Cheater, and the same have been filed with the records in the above named cases.

There was also inclosed with your letter of June 9, a certified copy of marriage license between S. H. Petty and Ida Miller, with the certificate of marriage block, and the same is herewith returned to you. It also appears from the testimony of Sam H. Petty at the time he applied for the identification of himself and his ten other children as Mississippi Cheaters that his wife's name is Louisa

P.S.T. 2

and that he was married to her on July 1, 1902, evidence of which marriage was filed on May 10, 1904; he also states that she is the mother of his two children, Earl C. Potts, nine years old, and Sylvia Potts, two years old, and that she and the children are living with him.

It will therefore be necessary to have some explanation of this matter.

Yours truly,

Commissioner in Charge.

AM 9-12

W. H. H. H.

Muskogee, Indian Territory, March 21, 1903.

Samuel H. Petty,

Muskogee, Texas.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of the mother, Lena Petty, and that of the attending physician, W. H. Seale, relative to the birth of your infant child, Osa Verrell Petty, December 19, 1902. Said affidavits have been filed with the records of the Commission.

Respectfully,

Chairman.

COMMISSIONERS
TANS 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. 8148

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Sam H. 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 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, Cornelia 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 E. 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, Rommy 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).

Tarns Bixby.
Chairman.

Registered.

M.C.R. 5145

Washington, Indian Territory, May 1, 1905.

Sam H. Carter

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. Ihard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

IN RE

FOR IDENTIFICATION AS of
A MISSISSIPPI CHOCTAW.
INFANT CHILD

Ona Vermell Petty.

as a citizen of the

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW. Nation.

Approved _____

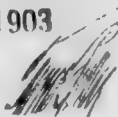
190 _____

Commissioner.

THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 31 1903



CHAIRMAN

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
 of Ona Vernell Petty, born on the 19th day of December, 1902
(Here insert name of child.)
 Name of Father: Samuel H Petty, a citizen of the Choctaw Nation.
 Name of Mother: Louisa Petty, a citizen of the Choctaw Nation.
 Post-Office: Morquez Leon Co Texas

AFFIDAVIT OF MOTHER.

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

I, Louisa Petty, on oath state that I am twenty nine
 years of age and a citizen, by Marriage, of the Choctaw Nation;
 that I am the lawful wife of Samuel H Petty, who is a citizen, by
birth, of the Choctaw Nation, that a female child was
(Male or female.)
 born to me on the 19th day of December 1902; that said child has been
 named Ona Vernell Petty, and is now living.

WITNESSES TO MARK:

(Must be Two
 Witnesses.) }

Subscribed and sworn to before me this 24th day of March 1903.

W K Powell J P. and
 Notary Public.
 for Leon County Texas

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

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

I, W H Scale, a Physician, on oath state that I
 attended on Mrs. Louisa Petty, wife of Sam H Petty,
 on the 19 day of Dec, 1902; that there was born to her on said
 date a Female child; that said child is now living and is said to have been
(Male or female.)
 named Ona Vernell Petty.

WITNESSES TO MARK:

(Must be Two
 Witnesses.) }

Subscribed and sworn to before me this 24th day of March 1903.

W K Powell J P. and
 Notary Public.
 for Leon County Texas

No. _____
For Identification as a Mississippi Choctaw.

Date

April 11 1902

Name Sam H. Petty —

Age 39 — Blood 1/16

Post Office, Marquez, Texas,

Father: James F. Petty, d

Mother: Sarah Ann " d

Claims through father,
wife: Lona Petty, l. w.
No claim for wife

Children:

Earl C. Petty (M.) 9

Valla " (F.) 2

Claims for self and
children.

Stenographer H. G. Hains —

Choctaw MCR 5144

Bernard A. Williams

See MCR 4006

MCR 5144

Department of the Interior,
Commission on the Five Civilized Tribes.
Washington, D.C. April 11, 1902.

5144

In the matter of the application for identification as Mississippi Choctaws of Bernard A. Williams for himself and his five minor children, Marcellus, John, Vernie, Maud and Mattie Williams.

J. G. Halls, attorney for applicants.

Bernard A. Williams being first duly sworn testified as follows

Examination by the Commission

- Q What is your name? A Bernard A. Williams.
Q What is your age? A I will be thirty-eight years old in August.
Q What is your post office address? A Rockwall, Texas.
Q How long have you lived there? A I have lived there twenty-seven years.
Q Where did you live the other ten years of your life? A Vaiden, Mississippi.
Q At the age of ten did you go to Texas? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Andy Williams.
Q What is your mother's name? A Mary.
Q Mary Williams is it? A Yes, sir.
Q you claim through which parent, father or mother? A Father.
Q How much Choctaw blood do you claim? A I could not tell exactly, I have been taught, you see I was small, he was so called in Vaiden there, my father was--he looked like about a one-half Choctaw.
Q You could not tell about that. A No, sir; I could not tell.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the --? A I don't know sir.
Q By the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know sir.
Q Have you proof of his marriage to his wife Mary? A No, sir; but I can get it.
Q You know when they were married? A No, sir.

A reasonable time will be allowed this applicant in which to prove the marriage of his father and mother.

Q Are you married? A Yes, sir.
Q What is your wife's name? A Belle White,--Belle Williams now.
Q How old is she? A She is thirty-six.
Q Is she a white woman? A Yes, sir.
Q Living? A Yes, sir.
Q You don't make any claim for her do you? A No, sir.
Q Have you any children? A Five.

- Q All under age and unmarried? A Yes, sir.
- Q What is the name of the oldest? A Marcella
- Q M-a-r-c-e-l-l-a? A No, "is" is the way I spell it.
- Q How old is she? A That is a boy seventeen years old.
- Q What is the name of the next? A John.
- Q How old? A Twelve.
- Q What is the name of the next? A Vernie.
- Q How do you spell it? A V-e-r-n-i-e; that is a girl eight.
- Q What is the name of the next? A Maud.
- Q M-a-u-d? A Yes, sir.
- Q How old is Maud? A Four.
- Q Next? A Hattie.
- Q How old? A Two.
- Q Is that all? A Yes, sir.
- Q Five? A Yes, sir.
- Q Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A How is that?
- Q Is your name or the names of any of your children on the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know 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 for yourself and children? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to any authority whatever previous to this application? 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 this Commission to be identified as Mississippi Choctaws yourself and children under article fourteen of the treaty of 1830? A Yes, sir.
- Q You understand that article? 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. The object of that treaty was to remove the Choctaw Indians who lived in the said Choctaw Nation from that Nation to the Choctaw Nation Indian Territory. Before the treaty could be 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. The treaty was then signed and afterwards, on the 24th day of February 1831, was ratified. Article fourteen of 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 reside in the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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 of that treaty?
A No, sir; I do not.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My father Andy Williams.
- Q Well that is your father? A Yes, sir.
- Q Go back as far as you can? A My grandfather.
- Q Well the ancestor who lived in Mississippi in 1830? A I could not tell you.
- Q Well give me your remote ancestor; is it your grandfather? A Yes, sir.
- Q What was his name? A I am not positive but his name was Andy.
- Q Andy Williams? A Yes, sir.
- Q That is your grandfather? A Yes, sir.
- Q Did he live in Mississippi in 1830? A My grandfather? I could not tell you. You see I could not remember, I was small when my father died; I was only four or five years old.
- Q Do you know whether any of your Choctaw ancestors lived in Mississippi, in the old Choctaw Nation, in 1830 and were heads of families there then? A No, sir.
- Q How old would your father be if living now? A I don't remember I have got it but I---.
- Q About how old? A About sixty-five or seventy.
- Q He died? A I was four years old, I am thirty-seven.
- Q He died when you were thirty-three,--he has been dead thirty-three years? A Yes, sir.
- Q He died how long ago? A Thirty-three years ago.
- Q He died what year? A I don't remember.
- Q He was born a few years after 1830? A Yes, sir.
- Q Where was he born? A He was born in Mississippi; he lived in Choctaw County, Greensboro.
- Q His father's name was what? A Andy Williams.
- Q Andy Williams? A Yes, sir.
- Q His mother's name was what? A I don't remember now.
- Q She was a white woman? A Yes, sir.
- Q Andy Williams then was living in Mississippi about in 1838 seven or eight? A Yes, sir.
- Q Had he been living there for some time? A Yes, not a great while.
- Q Did your father have any older brothers and sisters? A My father had a brother M. L. Williams older than him.
- Q How much older than he? A I don't remember.
- Q You think that older brother was born in 1830 or before that? A Yes, sir.
- Q In Mississippi? A Yes, sir.
- Q This your grandfather, Andy Williams, was living in Mississippi in 1830 and had a family of children there then? A Yes, sir.
- Q How much Choctaw blood did your grandfather Andy Williams have?
A I could not be positive about that. How much I could not tell.
- Q You know whether he claimed through his father or mother? A No, sir.
- Q Did you know his father or mother's name? A No, sir.

- Q How old would Andy Williams be if living now? A My father or grandfather.
- Q Grandfather? 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? A No, sir; my father owned a place at Vaiden there.
- Q Did your grandfather? A I don't remember.
- Q Did your grandfather or 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 any Williams or any other ancestor of yours having Choctaw blood, go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory between 1833 and 1838 or forty? A Not as I know of.
- Q Did any of your Choctaw ancestors own any land or claim any or any benefits of any kind under article fourteen of the treaty of 1830, in Mississippi or Alabama in the old Choctaw Nation? A I don't know sir.

The Indians who stayed back there in the old Choctaw Nation East of the Mississippi River refusing to go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty of 1830 were required if they wanted to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian Agent Colonel Ward, 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 Colonel Ward failed to put upon his list known as Ward's register. His failure to do this caused a good many Indians who held land in Mississippi upon which they had improvements to have that land and the improvements upon it 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 3 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 which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.. These Commissions went to Mississippi and made lists of the names of all Choctaw Indian claimants who appeared before each one of them respectively.

- Q Do the names of any of your Choctaw ancestors appear upon the records made by either of these two Commissions as claimants under article fourteen of that treaty? A I don't know sir.
- Q Did any of your Choctaw ancestors receive any scrip or certificates from the government under the act of Congress approved August 23, 1842? A Not as I know of.
- Q Which entitled them to select land in either Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government lands and to replace the land which they had formerly held in Mississippi in the old Choctaw Nation and which the government had taken from them and sold? A I don't know sir.
- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws previous to this application made by you? A No, sir.
- Q Have you any documentary evidence of any kind that you want to introduce now in support of this claim? A No, sir.

Q Would you like time? A —

By attorney.

We would like time to take the deposition of his mother in Mississippi.

By the Commission.

Q How much time?

By attorney.

Thirty days.

By the Commission.

Thirty days time is allowed this applicant in which to introduce 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; black eyes; dark complexion; black hair and black mustache. 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 11, 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 on the Five Civilized Tribes,
Wash., D. C., May 20th, 1908.

M C R 5144.

Additional Testimony: -----

In the matter of the application of Bernard A. Williams for the identification of himself and his five minor children, Marcella, John, Vernie, Maud and Hattie Williams, as Mississippi Choctaws.

J. G. Ralls attorney for applicant.

Bernard A. Williams being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your full name? A Bernard A. Williams.
- Q You live at Rockwall, Texas? A Yes sir.
- Q You made application to be identified as a Mississippi Choctaw at Muskogee, Indian Territory, before the Commission, April 11, 1902? A Yes sir.
- Q Do you want to give additional testimony now in reference to this application that you made at that time? A Yes sir.
- Q What is it you wanted to state now in reference to your application; what is it you want to say further? A To consolidate with the Dumas.
- Q You want to have the application made by you, No. M C R 5144, consolidated with the application of Scott H. Dumas, No. M C R 4006, and also all the other cases of relatives of Scott H. Dumas who claim to be Mississippi Choctaws under the same common ancestor? A Yes sir.
- Q Do you claim through Elizabeth Brashear? A Yes sir.
- Q What was her married name; who did she marry? A E. W. Dumas.
- Q Was he a white man? A Yes sir.
- Q How much Choctaw blood did Elizabeth Brashear or Dumas have? A She claimed quarter.
- Q When you made your application before the Commission April 11, 1902, you were asked the question "What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?" your answer was: "My father Andy Williams, and then you said through your grandfather." You were not positive of the exact name of your ancestor? A No sir.
- Q Well now will you please trace your ancestry to Elizabeth Dumas, through whom you claim, commencing with your father, what was his name do you remember, or through that line? A Through my mother.

42.

- Q What was her name? A Her name was Mary Emma, her name is now M. E. Carothers.
- Q What does M. stand for? A Mary.
- Q She made application yesterday didn't she? A Yes sir.
- Q That was your mother isn't it? A Yes sir.
- Q You didn't know when you came before the Commission before that you had Chestaw blood through your mother's side? A No sir.
- Q You heard your mother Mary E. Carothers testify yesterday did you not? A Yes sir.
- Q Do you know now the facts to be true that she has testified to?
- A My mother?
- Q Yes? A Yes sir.
- Q So that you want to incorporate her testimony and make it a part of your own application? A Yes sir.
- Q You rely upon her testimony and the testimony of other relatives all claiming through Elisabeth Brashears? A Yes sir.

By J. O. Hallis, attorney for applicant.

- not
- Q You were quite grown when you left your mother? A Yes sir.
- Q And you don't know for sure which parent you get your Indian blood from? A No sir.
- Q Since making the application you received a letter from your mother have you? A Yes sir.
- Q Explaining the line of Indian blood? A Yes sir.
- Q Your father is dead is he? A Yes sir.
- Q Where did he die? A Died in Vaiden, Mississippi.

By the Commission:

- Q When you testified before the Commission April 11, 1902, you gave the name of your father as Andy Williams and the name of your mother as Mary Williams? A Yes sir.
- Q Well, that was not her correct name at that time; you now say it is Mary E. Carothers? A It was Mary Williams then.
- Q But your mother's present name is Mary E. Carothers and not Mary Williams; it was not Mary Williams April 11, 1902, was it?
- A I guess not; I made a mistake; I haven't been with my mother since I was about ten years old.
- Q At the time when you testified, April 11, 1902, you were not aware of the fact that she was Mary Carothers? A Yes sir, I had heard it but I never thought about it.
- Q How many times was your mother married? A Three times.
- Q What was the name of her first husband? A Andy Williams.
- Q That was your father and her first husband? A Yes sir.
- Q How long has Andy Williams been dead? A I don't know sir, exactly.
- Q It don't make any difference if you can give me an idea? Well, a good many years I think? A Yes sir.
- Q And she married a second time? A Yes sir.
- Q What was the name of her second husband? A John Grantham.
- Q Did he die? A Yes sir.
- Q Do you know how long he has been dead? A No sir, I don't.
- Q Long time? A Yes sir.
- Q And she married the third time? A Yes sir.
- Q What was the name of her third husband? A Carothers.

- Q Full name? A I don't know it.
- Q Do you know that the name of her third husband was J. M. Carothers? A No sir.
- Q Will you know it was Carothers? A Yes sir.
- Q Is he living now? A No sir.
- Q So that when you gave the name of your mother on your previous application, April 11, 1902, as Mary Williams you were thinking of her as having the name of your father, Andy Williams, and forgotten about her having married twice after that?
- A Yes sir.

The case of Scott S. Dumas, No. M C R 4006 is here referred to for the purpose of consolidation.

Applicant excused.

Mary E. Carothers, being first duly sworn, testified in reference to this application as follows:

Examination by J. G. Ralls.

- Q Your name is Mary E. Carothers is it? A Yes sir.
- Q How old are you? A Sixty-six.
- Q You are the same person who made application here yesterday to be identified as a Mississippi Choctaw? A Yes sir.
- Q Are you acquainted with the applicant who has just left the witness stand, Bernard A. Williams? A Yes sir.
- Q What relation is he to you? A My son.
- Q By your first husband? A Yes sir.
- Q Has he been away from you for considerable time? A Since he was ten years old.
- Q How long has your first husband been dead? A Thirty years.
- Q About how old is Bernard now? A About thirty-eight.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 29th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notetaken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 16 day of June, 1902.

Charles H. Sawyer
 Notary Public.

Miss. Cheater R 5165

Mustang, Indian Territory, June 6, 1908.

J. C. Halls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 4, enclosing certified copy of the marriage license and certificate between B. A. Williams and Miss M. B. White, which you offer in support of the application for identification as Mississippi Cheaters of Bernard A. Williams, et al., and the same has been filed with the record in this case.

Yours truly,

Acting Chairman.

Miss, Choctaw 85144

Muskogee, Indian Territory, June 30, 1902.

J. C. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 25, in which you state that the last number you have of the applications of the various persons claiming to be descendants of Elizabeth Dumas nee Brashears and Keziah Thompson, nee Brashears, is 5012, and you ask to be supplied with copies of the applications of such others as have applied.

In compliance with your request there are inclosed you herewith copies of testimony in each of the following cases, together with receipts therefor, which please sign and return to this office:

M.C. 5144, Bernard A. Williams, et al.
M.C. 5425, Edward W. Blakey, et al.
M.C. 5444, William T. Sanders, et al.
M.C. 5445, John P. Sanders, et al.
M.C. 5446, Nancy J. Whorton, et al.
M.C. 5559, Julia A. Wells.
M.C. 5560, James L. Sanders.
M.C. 5570, Carrie McConick, et al.
M.C. 5698, Adelia Carolina Hardin, et al.
M.C. 5699, Lula K. Smith, et al.
M.C. 5700, Mary E. Gerethere, et al.
M.C. 5701, John R. Dugas, et al.
M.C. 5702, Maggie Ida Dugas.
M.C. 5703, Carrie A. Wilkerson, et al.

J.G.R. 2

M.C. 5713, Maude Florence Clark, et al.
M.C. 5714, Claude A. Grantham, et al.
M.C. 5715, Murat Dumas, et al.
M.C. 5716, Lula A. Dumas.
M.C. 5717, James J. Dumas, et al.
M.C. 5725, May L. Brown.
M.C. 5726, Aurelius W. Dumas.
M.C. 5803, Sydney L. Dumas.
M.C. 5804, Emaley M. Sanders, et al.
M.C. 5805, Mary Jane Dearen, et al.
M.C. 5807, Maud Cain, et al.
M.C. 5810, William Pinckney Dumas, et al.
M.C. 5811, Ben M. Dumas.
M.C. 5822, Mary A. Wade, et al.
M.C. 5857, Annis Palmer, et al. (by Henry J. Palmer)
M.C. 5858, Ransom E. Mims, et al.

There is one other application which should be included in this list, but the testimony therein has not yet been transcribed.

Yours truly,

Commissioner in Charge,

AB 1-30

COPY.

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. 5144.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, May 15, 1908.

Bernard A. Williams,
Rockwall, Texas.

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

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4523
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3508
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniuh Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumae, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

4

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltz Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcella Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Eanis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Farris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Louie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED),

Wm. D. Doby

Chairman.

Registered.

MOR-5144

COPY.

Muskogee, Indian Territory, January 22, 1906.

Bernard A. Williams,
Rockwall, Texas.

Dear Sir,

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, the application for the identification of yourself and minor children, Marcell, John, Vernie, Maud and Hattie Williams, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

For Identification as a Mississippi Choctaw.

Date APR 11 1902

Name Bernard A. Williams

Age 37 Blood don't know,

Post Office, Rockwall, Texas,

Father: Andy Williams, d

Mother: Mary " l.

Claims through father — w.l.
wife, Belle Williams, ~~36~~

No claim for wife

Children:

Marcell: " M 17

John " 12

Vernie "(F.) 8

Maud " 4

Hattie " 2

Claims for self &
children

Stenographer G. Rosemire

Received of the Commission to the Five Civilized Tribes one copy of the testimony of Bernard A. Williams, April 11, 1902, and one copy of the additional testimony of Bernard A. Williams, May 29, 1902, in the matter of the application for identification as Mississippi Choctaws of Bernard A. Williams, et al., M.C. 5144.



Dated at Muskogee, Indian Territory,
June 30, 1902.

Choctaw MCR 5145

Lola Coppedge

See MCR 1382

MCR 5145

Department of the Interior
Commission to the Five Civilized Tribes.
Wash., D.C. April 11, 1908

4145

In the matter of the application for identification as Mississippi Choctaws of Lola Coppedge for herself and her three minor children, Charlie, Emmitt, and Wallace Coppedge.

Applicants represented by attorney L. P. Hudson.

Lola Coppedge being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Lola Coppedge.
- Q What is your age? A I am twenty-eight years old.
- Q What is your post office address? A Foster, Indian Territory, Chickasaw Nation.
- Q How long have you lived in Foster? A I have lived in Foster about three months I guess.
- Q Where were you born? A In Comanche County.
- Q When you left Texas where did you go to? A Chickasha.
- Q When was that? A Thirteen years ago.
- Q Have you lived in Indian Territory for thirteen years? A Yes, sir.
- Q Where have you lived besides Foster? A Dixie, a little town about four miles West of Ardmore.
- Q Is your father living? A Yes, sir.
- Q Is your mother living? A Yes, sir.
- Q What is your father's name? A Pinkney Hanson.
- Q P-i-n-k-n-e-y, H-a-n-s-o-n? A Yes, sir.
- Q What is your mother's name? A Frances.
- Q Through which parent do you claim Choctaw blood? A My father.
- Q How much do you claim? A I claim one-eighth.
- Q Has your father 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 Have you proof of the marriage of your father and mother with you? A Yes, sir.
- Q You have got the certificate with you? A No, sir; not with me.
- Q When were they married? A They have been married about, -- I guess it has been thirty years, twenty-nine anyway.
- Q Where were they married? A In Texas.
- Q By a minister and under a license? A Yes, sir.
- Q Can you give the day of the month? A No, sir.
- Q You can introduce that evidence later? A By attorney "Yes".
- Q Are you married? A Yes, sir.
- Q Is your husband living? A Yes, sir.
- Q Is he a white man or Indian? A White man.
- Q What is his name? A Wallace Coppedge.
- Q What do he claim for him? A No, sir.
- Q Have you any children you want to make application for? A Yes.
- Q How many children? A Three.
- Q What is the name of the eldest? A Charlie.
- Q C-h-a-r-l-i-e? A Yes, sir.

- Q How old is he? A Ten years old.
 Q Next? A M-m-i-t.
 Q How do you spell it? A M-m-m-i-t.
 Q How old? A Seven.
 Q Next? A Wallace.
 Q How old is Wallace? A Five.
 Q Is that all? A Yes, sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
 Q Is Wallace Coppedge the father of these children? A Yes, sir.
 Q Were either you or your husband married before you married each other? A No, sir.
 Q These children live with you at your home? A Yes, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities or the United States authorities previous to this application to-day? A No, sir.
 Q Do you now come before the Commission for the purpose of being identified 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 Yes, sir.
 Q You don't care to have any further explanation? A Yes, sir.
 Q Why do you want it explained if you understand it; of course I will explain it, but why if you understand it; don't you understand it well enough? A No, sir; I did not understand what you said.

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. It was made between the government of the United States and the Choctaw Indians for the purpose of removing all of the Choctaw Indians who live in 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 their interest 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 entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother was Martha Dunn and my great grandmother's name was Jane Harris.
- Q Did she live in Mississippi in 1830? A Yes, sir.
- Q Jane Harris? A Yes, sir.
- 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 don't know.
- Q How much Choctaw blood did she have? A She claimed to be a full blood.
- Q Did she speak the Choctaw language? A She could talk Indian I heard my grandmother say but I don't know what tribe she could talk.
- Q Did she have any other name than Jane Harris, any Choctaw name? A I don't know.
- Q How much Choctaw blood did you say she had? A My great grandmother?
- Q Jane Harris? A She claimed to be full blood.
- Q Did she live in Mississippi in 1830 and have a family there then? A She lived in Mississippi all of her life; she died there.
- Q How old was she when she died? A I could not tell you.
- Q How old would she be if living now? A I don't know how old she would be.
- Q Did she have a Choctaw Indian Name? A I don't know whether she had a Choctaw Indian name or not.
- Q You claim through your father? A Yes, sir.
- Q He claims through his father or mother? A His mother.
- Q What was her name? A Martha Dunn before she married a Henson.

Attorney.

- Q Is that H-e-n-s-o-n or H-a-n-s-e-n? A It is spelled H-a-n-s-o-n, but everybody calls him Henson.

By the Commission.

- Q She claimed through which parent father or mother? A Through her mother.
- Q What was her mother's name? A Her mother's name was Jane Harris.
- Q Was that the maiden name or the married name? A That was her married name.
- Q You say she had a family in Mississippi in 1830? A Yes, sir.
- Q So you understand; you don't know how old she would be if living now? A No, sir.
- 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 own any improvements on land in Mississippi and Alabama in 1830? A No, sir; I don't think they did. I don't know.
- Q Did any of them go to the United States Indian Agent within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A 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 whether they did or not.

The 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 provisions of article fourteen of the treaty of 1830 to go to the United States Indian Agent a Colonel Ward with in 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 Indians did this whose names Colonel Ward failed to put upon his lost known as Ward's register. His neglect to make a full and complete lists of the names of all Choctaw Indians who came before him under the provisions of article fourteen caused many Indians who had land in Mississippi upon which they had improvements to them both; they were both 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, another Commission was appointed by Congress for the same purpose and his Commission also went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. This Commission was appointed under an act of Congress approved August 23rd 1842.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen of that treaty to your knowledge? A None that I know 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; if it further developed 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 lands and that a certificate to that effect should be given him; these certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.
 Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A Yes, some of my connections.
 Q Can you give the names of any? A Yes, sir; Elisabeth Howell.

Attorney.

- Q Give the name of one or two others? A Mattie Burleson, and Annie Coppedge.

Reference is here made to Elisabeth Howell, et al., M.C.R. 1382.

- Q Would you like to have the evidence given in the case of relatives who have applied here, and who claim through the same common ancestor with you considered with your case? A Yes, sir.
 Q Do you speak the Choctaw language? A No, sir.
 Q Have you any evidence that you want to introduce at this time?
 A -----

By Attorney.

Here L. P. Haisen, attorney for applicants, asks for leave to file written evidence in support of this claim in the near future.

By the Commission

Motion is granted.

Q Is there anything further that you want to say? A Nothing more.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark complexion; black eyes; black hair. She has no knowledge of the Chectaw 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 11, 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 5th day of May 1902.

G. Rosenwinkel

Wm. H. Wood

Notary Public.

COPY.

N O R 5148

Muskogee, Indian Territory, Nov 27, 1908.

Lela Goppidge,

Foster, Indian Territory.

Dear Madam:

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

Elizabeth Howell, et al.,	N O R 1802
Annie Goppidge, et al.,	N O R 1805
Martha Harless, et al.,	N O R 1504
Moss Harpeth,	N O R 1628
Jennie Howell, et al.,	N O R 1822
Ernie Odell, et al.,	N O R 2020
Charles Howell,	N O R 2021
John V. Swan, et al.,	N O R 2022
Lela Goppidge, et al.,	N O R 2122
Martha Gerley, et al.,	N O R 2123

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 25, 1906, (34 Stat., 425) is, as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article 10, section 1 of the treaty between the United States and the Choctaw Nation, concluded November twenty-second, eighteen hundred and thirty, and to visit and hear witnesses before them, and receive all other facts necessary therefor, and to report to the Secretary of the Interior."

COPY.

L. C.—2

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Elizabeth Howell, Ida Howell, Ada Howell, Dora Howell, Annie Coppedge, William F. Coppedge, Della Coppedge, Warren Coppedge, Samuel Coppedge, Effie Coppedge, Martha Bursleson, William A. Bursleson, Riley Bursleson, Elmer Bursleson, Clarence Bursleson, Morris T. Bursleson, Frank G. Bursleson, Thomas Bursleson, Mose Hanson, Jennie Howell, Willie Howell, Ola Howell, Effie Odell, Ora Odell, Charley Howell, John W. Dunn, George Washington Dunn, Elva Adaline Dunn, James Madison Dunn, John Leslie Dunn, Annie Lee Dunn, Mary Isabel Dunn, Lola Coppedge, Chaslie Coppedge, Emmit Coppedge, Wallace Coppedge, Martha Gerley and Maryie Gerley as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered.*

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

Yours truly,

(SIGNED)

James D. Kirby

Acting Chairman.

Registered.

WMM

COPY.

M S R 5144

Muskogee, Indian Territory, September 8, 1903.

Lola Ceppedge,

Factor, Indian Territory.

Dear Madam:

You are hereby advised that on the 10th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lola Ceppedge, et al., of which decision you were advised by registered mail on the 27th day of May, 1903.

Yours truly,

(SIGNED).

Tamc Bixby.

Acting Chairman.

M O R 5145

Muskegee, Indian Territory, April 4, 1903.

Mrs. Lola Ceppege,

Foster, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 24th ultimo, in which you ask if you can file on your land when the land office is opened.

In reply to your letter you are informed that on July 19, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and three minor children as Mississippi Choctaws.

On September 8, 1902, you were notified of such departmental action, and it is not seen how the Commission can assist you in the matter of holding land unless and until you may be identified as a Mississippi Choctaw.

Respectfully,

~~Commissioner~~ in Charge.

*Sub for letter
of April 2nd*

MR 5148

COPY

Muskogee, Indian Territory, November 14, 1906.

Lela Coppedge,

Foster, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motion filed in this office June 23, 1906, by J. V. Cabell, Attorney at Law, Ardmore, Indian Territory, for re-opening and re-consideration of the consolidated Mississippi Choctaw case of Elisabeth Howell, et al.

Respectfully,

SIGNED: *Tams Bixby.*
Commissioner.

For Identification as a Mississippi Choctaw.

Date

APR 11 1902

Name Lola Coppedge.

Age 28 Blood $\frac{1}{8}$

Post Office, Foster, D. T.

Father: Pinstney Hanson, l

Mother: Frances Hanson, l

Claims through father —
Husband
Wallace Coppedge, l. w.
No claim for husband.

Children:

Charlie Coppedge	"	10
Emmit	"	7
Wallace	"	5

Claims for self & children.

J. Rosenwinkel
Stenographer ~~H. S. Hanson~~

Choctaw MCR 5146

Martha Cerley

See MCR 1382

MCR 5146

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 11, 1902.

5146

In the matter of the application for identification as Mississippi Cheetaws of Martha Gerley for herself and her minor daughter, Maudie Gerley.

L. P. Hudson attorney appearing for applicants.

Martha Gerley being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Martha Gerley.
Q What is your age? A Twenty-four years.
Q What is your post office address? A Hewitt, Indian Territory.
Q How long have you lived there? A Four years.
Q Where did you live before you lived in Hewitt? A Texas.
Q Born in Texas? A Yes, sir.
Q Always lived there until you came to Indian Territory? A Yes, sir.
Q Is your father living? Yes, sir.
Q Mother? A Yes, sir.
Q What is your father's name? A Pinkney Hanson.
Q What is your mother's name? A Frances Hanson.
Q Through which parent do you claim Cheetaw blood? A Through father.
Q How much do you claim? A One-eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Cheetaw tribe of Indians by the Cheetaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Have you proof of his marriage with you? A No, sir.
Q Do you know when and where they were married? A No, sir.
Q You think you can prove that later if given time? A Yes, sir.

A reasonable time will be allowed this applicant to prove the marriage of her father and mother.

- Q Are you married? A Yes sir.
Q Is your husband living? A Yes, sir.
Q Is he a Cheetaw Indian or white man? A White man.
Q What is his name? A Wilson Gerley.
Q Do you make any claim for him? A No, sir.
Q Have you any children you want to make application for? A Yes, sir.
Q How many? A One.
Q What is the name of that child? A Maudie.
Q M-a-u-d-i-e? A Yes, sir.
Q How old is Maudie? A Four years old.
Q You claim for yourself and this child? A Yes, sir.

- Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Yes, sir.
- Q On the rolls? A No, sir; they 'aint' on the rolls.
- 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; you never did, five or six years ago? A No, sir.
- Q Have you ever made application at any time before this application to-day either to the Dawes Commission or the Choctaw tribal authorities for enrollment as a Choctaw Indian? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation or has your child by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A Yes, sir.
- Q Do you now come before the Commission to identify yourself and your child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A No, sir.
- Q You do don't you? A Yes, sir.
- Q Do you understand that article of that treaty? A Yes, sir.
- Q You have heard it read and explained have you? A Yes, sir.
- Q Then you don't care for a further explanation of it do you? A Yes, sir.
- Q What do you want it explained further for if you understand it; you want it explained further? 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 on the 27th day of September of that year and was made for the purpose of removing as far as practicable 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 therefore, in order to protect the interests of these Indians who stayed back there in the old Choctaw Nation, East of the Mississippi River, 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 Did any of your ancestors comply or attempt to comply with the provisions of that article of that treaty? A Yes, sir.
- Q What is the name of your ancestor who lived in Mississippi in 1830? A Martha Dunn.

- Q What relation was she to you? A My grandmother.
- Q Are you a sister of Lola Coppedge? A Yes, sir.
- Q What is your great grandmother's name? A Jane Harris.
- Q Did either Martha Dunn or Jane Harris live in Mississippi in 1830, seventy-two years ago? A Yes, sir.
- Q Did they both live in Mississippi in 1830? A Yes, sir.
- Q Seventy-two years ago? A I don't know.
- Q What did you say "Yes" for if you don't know; you don't answer my questions as if you understood what I say. I want you to understand what I am asking you about; did Jane Harris live in Mississippi in the year 1830,--seventy-two years ago? A Yes, I guess she did.
- Q What makes you think she did; you must have reason for guessing that she did. Have you been told that by members of the family; have you heard so in your family? A Yes, sir.
- Q From your father and mother? A Yes, sir; father.
- Q Did you ever hear that Martha Dunn lived in Mississippi in 1830? A No, sir.
- Q Did you ever hear that Jane Harris had children living with her in 1830? A Yes, sir.
- Q Then you have heard that she had a family there then? A Yes, sir.
- Q How much Choctaw blood did she have? A My great grandmother.
- Q Yes; Jane Harris? A She was a full blood.
- Q Martha Dunn was her daughter? A Yes, sir.
- Q What was Martha Dunn's husband's name? A Jim I think; I don't remember whether it was Jim or Thomas.
- Q Was he a white man? A Yes, sir.
- Q What was the name of the husband of Jane Harris? A I can't tell you.
- Q Was he a white man? A I don't know.
- Q Never heard one way or the other? A No, sir.
- Q How old would Jane Harris be if living now? A I don't know.
- Q You claim through your father Pinkney Hanson? A Yes, sir.
- Q He claims through whom? A His mother.
- Q What was her name? A Martha Dunn.
- Q Martha Dunn? A Yes, sir.
- Q Martha Dunn's mother was Jane Harris? A Yes, sir.
- Q Was Martha Dunn born in Mississippi? A Yes, sir.
- Q Did she have any older brothers or sisters than herself? 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.
- Qx 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 East of the Mississippi River 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 or any benefits of any kind in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama refusing to go to the Choctaw Nation Indian Territory with the other Indians under the treaty of 1830 were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from its ratification and signify to him their intentions to remain in Mississippi, take land

there and became 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 as the result of this neglect on the part of the Agent 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 that treaty. In 1842, under act of Congress approved August 23rd of that year another Commission was appointed by Congress for the same purpose; both of these Commissions went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek and made lists of the names of all claimants who came before them, each one of them respectively.

- Q Did any of your Choctaw ancestors go before either of the Commissions, that of 1837 or the Commission of 1842 and claim benefits under that article of that treaty? A I don't know whether they did or not.
- Qx Did any of your ancestors receive any scrip from the government issued under the act of Congress of 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 occupied in the state of Mississippi in the old Choctaw Nation and which the government had taken from them and sold at its public land sales; do you know? A No, sir.
- Q What relation is Elizabeth Howell to you? A She is my aunt.
- Q Has she been before this Commission? A Yes, sir.
- Q Is Lela Coppedge your sister? A Yes, sir.
- Q She has been before the Commission also on this date to be identified as Missakssippi Choctaw? A Yes, sir.
- Q You want to have your case considered in connection with that of Elizabeth Howell? A Yes, sir.
- Q Also the case of your sister? A Yes, sir.
- Q Also all other relatives who have appeared here claiming through the same common ancestor? A Yes, sir.
- Q Case number M.C.R. 1382, is here referred to and made a part of the record in this case.
- Q Do you speak the Choctaw language? A No, sir; I cannot speak it.
- Q You want to have a little time extended for the purpose of furnishing other evidence in this case? A Sir?
- Q You want to have a little time extended for the purpose of furnishing other evidence in this case? A Yes, sir.

A reasonable time is allowed this applicant in which to furnish other evidence in support of this case 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 white parentage; medium dark complexion; brown eyes; brown hair; She claims to be a descendant of Jane Harris but 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

NOTARY PUBLIC, 1892, and the State of New York
I do hereby certify that the within and foregoing
is a true and correct copy of the original

[Handwritten signature]

Subscribed and sworn to before me this 5th day of May, 1892.

[Handwritten signature]

Notary Public.

COPY

N. O. 2 2145

Mustang, Indian Territory, Nov 27, 1908.

Martha Corley.

Nowitt, Indian Territory.

Dear Madam:

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

- Elizabeth Howell, et al., N. O. R 1362
- Annie Coppedge, et al., N. O. R 1363
- Martha Burleson, et al., N. O. R 1394
- Moos Rankin, N. O. R 1328
- Jennie Howell, et al., N. O. R 1323
- Effie Odell, et al., N. O. R 2620
- Charley Howell, N. O. R 2601
- John W. Dunn, et al., N. O. R 2622
- John Coppedge, et al., N. O. R 2145
- Martha Corley, et al., N. O. R 2146

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 26, 1906, (34 Stat., 488) is as follows:

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

COPY.

10-0-1

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Elizabeth Howell, Ida Howell, Ada Howell, Sara Howell, Annie Coppedge, William M. Coppedge, Nellie Coppedge, Warren Coppedge, Samuel Coppedge, Effie Coppedge, Martha Burleson, William A. Burleson, Wiley Burleson, Elmer Burleson, Clarence Burleson, Morris F. Burleson, Ernest G. Burleson, Thomas Burleson, Moss Newson, Jennie Howell, Willie Howell, Ola Howell, Effie Odell, Ora Odell, Charley Howell, John W. Dunn, George Washington Dunn, Niva Adaline Dunn, James Madison Dunn, John Leslie Dunn, Annie Lee Dunn, Mary Isabel Dunn, Lola Coppedge, Charlie Coppedge, Emmet Coppedge, Wallace Coppedge, Martha Gerley and Mandie Gerley as Cherokee Indians entitled to rights in the shootar lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered.

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

Yours truly,

(SIGNED)

Tams Dixby

Acting Chairman.

Registered.

VRM

COPY.

Haskell, Indian Territory, September 2, 1902.

Martha Gerley,

Hewitt, Indian Territory.

Dear Madam:

You are hereby advised that on the 19th day of July, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Gerley, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Yours truly,

(SIGNED)

James Bixby.

Acting Chairman.

MCR 5146

COPY

Muskogee, Indian Territory, November 14, 1906.

Martha Cerley,

Hewitt, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed in this office June 23, 1906, by J. V. Cabell, Attorney at Law, Ardmore, Indian Territory, for re-opening and re-consideration of the consolidated Mississippi Choctaw Case of Elizabeth Howell, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

No. 5146

For Identification as a Mississippi Choctaw.

Date APR 11 1902

Name Martha Cerley

Age 24 - Blood "8."

Post Office, Hewitt, I.T.

Father: Pinstrey Hanson, l.

Mother: Frances " l.

> Claims through father -
~~husband,~~ Wilson Cerley, l. w.

No claim for husband.

Children:

Maudie Cerley, 4

Claims for self &
children,

G. Rosenwinkel

Stenographer ~~H. W. Hanson~~

Choctaw MCR 5147

Mollie Martin

See MCR 271

MCR 5147

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskeges, I.T. April 21, 1902.

2147

In the matter of the application for identification as Mississippi Choctaws of Mollie Martin for herself and her six minor children, Stella, Joseph, Della, Allen, Ethel and Elmer Martin.

Attorney L. F. Hudson appearing for applicants.

Mollie Martin having been first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Mollie Martin.
Q What is your age? A I am thirty-five.
Q What is your post office address? A Gersicoma, Nevarre County Texas.
Q How long have you lived there? A All my life.
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 Travis Donaho.
Q What is your mother's name? A Sallie Donaho.
Q Through which parent do you claim Choctaw blood? A Through my father.
Q How much do you claim? A I don't know.
Q Has your father 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 Have you proof of the marriage of your father and mother with you? A

Attorney; same is on file with the Commission.

- Q The proof of the marriage of your father and mother has already been filed in the case of some relative who has applied for identification as a Mississippi Choctaw? A

Attorney; Her father has filed it.

- Q Your father has made application here? A Yes, sir.
Q The marriage license has been filed in his case? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A John Martin.
Q He is living? A Yes, sir.
Q Is he a white man or Indian? A White man.
Q He claim for him? A No, sir.
Q How many minor children have you? A Six.
Q What is the name of the oldest minor child that you wish to make application for? A Stella.
Q Stella Martin? A Yes, sir.
Q How old? A She is fourteen.

- Q The next? A Joseph Martin.
 Q How old? A Twelve.
 Q Next? A Della Martin.
 Q D-e-l-l-a? A Yes, sir.
 Q How old? A She is ten.
 Q Next? A Allen Martin.
 Q How old? A He is seven.
 Q Next? A I don't hardly know, but her name is Ethel, her right name.
 Q How old is she? A She is five.
 Q What is the name of the next? A Elmer.
 Q How old is he? A Two years old.
 Q You claim for yourself and these children do you? A Yes, sir.
 Q Is John Martin the father of these children? A Yes, sir.
 Q And you are the mother? A Yes, sir.
 Q Were either you or he ever married before you married each other?
 A No, sir.
 Q You live together now as husband and wife and the children live with you at your home? A Yes, sir.
 Q Is your name or the names of any of your children, on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No, sir.
 Q Have you ever made application for 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 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 Is this the first application of any kind that you have ever made either to the Choctaw tribal authorities or the Dawes Commission for citizenship? A Yes, sir.
 Q Do you now come before the Commission to be identified as a Mississippi Choctaw and for the identification of your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
 Q Do you understand that article? 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 of September, the year 1830. The object of that treaty was the removal of all 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 and in order to protect the interest of those Indians who remained back there in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. The treaty was then signed and afterward ratified on the 24th 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 for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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 the provisions of article fourteen of that treaty of 1830? A I don't know.
- Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A My grandfather's name?
- Q Well whoever it is you claim through? A My grandfather and grandmother both.
- Q Who lived in Mississippi in 1830? A I don't know.
- Q Well who do you claim through? A I claim through my grandfather and grandmother both.
- Q Did they live in Mississippi? A I don't know.
- Q Did any of your Choctaw ancestors live in Mississippi? A I don't know.
- Q Do you know what your grandfather's name was? A Daniel Donaho.
- Q He was your great grandfather? A He was my grandfather.
- Q How old would he be if living now? A I don't know.
- Q Where did he die? A I don't know where he died.
- Q Did he ever live in Mississippi? A Yes, sir.
- Q Did he live there seventy-two years ago? A I don't know.
- Q Did he claim through his father or mother? A I don't know.
- Q Do you know his father's name or his mother's name? A No, sir.
- Q Well now; what do you know about any Choctaw ancestor of yours having lived in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know anything about that.
- Q Don't know whether you had a Choctaw ancestor who was the head of a family there at that time? A No, sir.
- Q Either on your father's side or mother's side? A No, sir.
- Q What was your mother's name? A Sallie Donaho.
- Q She claimed no Choctaw blood? A No, sir.
- Q What is the name of the wife of Daniel Donaho? A Annie.
- Q Did she have any Choctaw blood? A Yes, sir.
- Q How much; do you know? A No, sir.
- Q Did she get it through her father or mother? A I don't know.
- Q Did she ever live in Mississippi? A They were married there.
- Q They lived there then? A Yes, sir.
- Q How long did they live in Mississippi after the married there; did they marry there before or after the year 1830? A I don't know.
- Q Did they have children there in Mississippi? A I don't know.
- Q You don't know how old Daniel would be if living now? A No, sir.
- Q Or how old Annie would be? A No, sir.
- Q You claim through your father? A Yes, sir.
- Q Did he live in Mississippi at any time? A No, sir.
- Q Where was he born? A Texas.
- Q Did he die there? A He is living.
- Q He always lived in Texas? 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 sir.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him 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? A I don't know sir.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know sir.

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 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. His failure to do this caused 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 in 1837 under an act of Congress approved March 3, of that year Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of that treaty. In 1842, under act approved August 23, 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 that treaty.

- Q Did any of your Choctaw ancestors to your knowledge go before either of these Commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23rd 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830; if it was previously 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 land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.
- Q Are you related to Elizabeth Howell? A No, sir.
- Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws claiming through the same ancestor through whom you claim? A My father.
- Q What is your father's name? A Travis E. Donaho.
- Q Who is Isaac E. Donaho? A He is a cousin of mine.
- Q He made application for identification as a Mississippi Choctaw? I reckon he did I don't know.
- Q You don't know whether he did or not? A No, sir.

The records of the Commission show that Isaac E. Donaho made application to be identified as a Mississippi Choctaw and his number 271 is here referred to.

#5

- Q You want to have his case and that of your father Travis Donahoe and other relatives of yours who claim through the same ancestor considered with your case? A Yes, sir.
- Q You want to have them all taken together do you? A Yes, sir.
- Q Do you want time in which to introduce further evidence in this case? A No, sir.

by attorney Hudson; We don't want any time in this case.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is there anything further you want to say? A Nothing further.

This applicant has the appearance and physical characteristics of being descended from white parentage. She has dark complexion; dark brown eyes and 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 11, 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 12th day of April 1902.

Charles J. Wood

Notary Public.

COPY.

M C R 8147

Muskogee, Indian Territory, January 10, 1903.

Mollie Martin,
Corsicana, Texas.

Dear madam:

You are hereby advised that on the 10th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaac E. Donaho, et al., embracing the following applications for identification as Mississippi Cheestaws:

Isaac E. Donaho, et al.,	M C R	871
Robert E. Donaho, et al.,	"	875
John E. Donaho,	"	878
Anna Journagan, et al.,	"	2236
Martin W. Palmer, et al.,	"	2233
Will Palmer,	"	2234
James W. Palmer, et al.,	"	2235
Florence Malderine Ward, et al.,	"	370
George E. Donaho,	"	671
Walter Lee Donaho,	"	673
Lena J. Clappitt, et al.,	"	614
Thomas F. Donaho,	"	841
Blackstone E. Donaho, et al.,	"	986
T. F. Donaho, et al.,	"	4468
William Donaho, et al.,	"	4608
Joseph T. Young, et al.,	"	4609
Frances Ann Young,	"	4610
Paralee L. Searcy, et al.,	"	4611
Mollie Martin, et al.,	"	5147
Lula Watson, et al.,	"	5148
William L. Donaho, et al.,	"	5149
Charlie Donaho, et al.,	"	5150
Sallie Martin, et al.,	"	5181
Sarah Katherine Peters, et al.,	"	6197

Mollie Martin---2

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac E. Donaho, James Owen Donaho, Lucinda C. Donaho, Jerry S. Donaho, ~~John~~ J. Donaho, Robert E. Donaho, William Rufus Donaho, John E. Donaho, Anna Journagan, Edie Journagan, Muley Journagan, Martin W. Palmer, Alice Palmer, Will Palmer, James W. Palmer, Harvey I. Palmer, Fay Palmer, Mary Palmer, Florence Mauderine Ward, Annie May Wara, George W. Donaho, Walter Lee Donaho, Lena J. Clarpitt, Clara Lilly Clarpitt, Thomas T. Donaho, Blackstone E. Donaho, Ada Donaho, Annie May Donaho, T. J. Donaho, David Donaho, William Donaho, Arthur Clayton Donaho, Lizzie E. Donaho, William Lee Donaho, Walter Robert Donaho, Joseph T. Young, Henry Young, Frances Ann Young, Parthenia L. Searcy, Annie Searcy, Mollie Martin, Stella Martin, Joseph Martin, Della Martin, Allen Martin, Ethel Martin, Elmer Martin, Lula Watson, Sadie Watson, Eddie Watson, Calvin Watson, ~~William~~ Watson, William L. Donaho, Mamie Donaho, Ollie Donaho, Nora Donaho, Maggie Donaho, Charlie Donaho, Nabel Donaho, Eddie Donaho, Gladys Belle Donaho, Sallie Martin, Jessie Martin, Travis Wesley Martin, Arthur Martin, Sarah Katherine Peters, Syble Peters, Travis D. Peters, Charles Peters, Luther Peters, Nanie Ann Lott, Ole Lott, Homer Lott and Oscar Thomas Lott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

... and that all the ... together with ... of the Interior ... of Indian Affairs.

SIGNED

Registered:

L. Heddies

Commissioner in Charge.

M.C.R. 5147.

COPY.

Muskogee, Indian Territory, July 30, 1903.

Mollie Martin,

Dear Madam:-

You are hereby notified that on the 14th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Isaac E. Donaho et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,

SIGNED

I. B. Needles.
Commissioner in Charge.

M C R 5147

Muskogee, Indian Territory, March 21, 1904.

Mellie Martin,
Lindsay, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 6th instant, and the information contained therein has enabled us to identify you upon our records as having applied to this Commission for the identification of yourself and minor children as Mississippi Choctaws, and on July 14, 1903, the Secretary of the Interior approved the decision of the Commission refusing said application, of which departmental action you were duly notified on July 30, 1903. The Commission now considers your case closed.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 12, 1904.

Whaley & McArthur,

Attorneys-at-Law,

Lindsay, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 8, 1904, in which you ask to be advised of the necessary steps to take to secure a reopening of the Mississippi Choctaw case of Mollie Martin, et al. You state that you understand this case has been closed, and that if you could secure a rehearing you are confident you can introduce important testimony in support of this claim.

In reply to your letter you are advised that motions for rehearing are 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 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;

W. & MOA., 2.

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 direct, in others by

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

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

Respectfully,

Commissioner in Charge.

For Identification as a Mississippi Choctaw

Date APR 11 1902

Name Mollie Martin

Age 35 Blood don't know

Post Office, Comicana, Texas.

Father: Travis Conako, l.

Mother: Sallie " l.

(Claims through father,)
husband.

John Martin, l. w.

No claim for hus-
band.

Children:

Netta Martin, 14

Joseph " 12

Wella " 10

Allen " 7

Ethel " 5

Elmer " M 2

Claims for self

and children

Choctaw MCR 5148

Lula Watson

See MCR 271

MCR 5148

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. April 11, 1902.

2148

In the matter of the application for identification as Mississippi Choctaws of Lula Watson for herself and her four minor children Sadie, Eddie, Calvin and Bobbie Watson.

L. F. Hudson attorney appearing for applicants.

Lula Watson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Lula Watson.
Q What is your age? A Thirty-three.
Q What is your post office address? A Corsicana, Texas, Navarro County.
Q How long have you lived there? A All my life.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q Your father's name is what? A Travis F. Donaho.
Q Your mother's name is what? A Ballie Donaho.
Q Through which parent do you claim Choctaw blood? A My father's.
Q How much Choctaw blood do you claim? A I don't know sir.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Have you proof of the marriage of your father and mother with you? A Yes; it is on file with the Commission.
Q Your father has made application to be identified as a Mississippi Choctaw? A Yes, sir.
Q His marriage is on file in the record in his case? A Yes, sir.
Q You want to refer to that record and make it a part of this? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A J. R. Watson, -Robert Watson.
Q Living? A No, sir.
Q Dead? A Yes, sir.
Q Was he a white man or Indian? A He claimed the blood but I don't know how much.
Q Have you any children of which he was the father? A Yes, sir.
Q What was his Indian blood? A I don't know sir.
Q How many children have you under age? A Four.
Q What is the name of the oldest? A Sadie Watson.
Q What is her age? A Eleven years old.
Q Next? A Eddie.
Q Boy? A Yes, sir.
Q How old? A Eight.
Q Next child? A Calvin Watson.
Q How old? A Five.

- Q That is a boy? A Yes, sir.
 Q Next? A Bobbie Watson.
 Q Boy? A Yes, sir.
 Q How old? A Three.
 Q That is all? 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 I don't know sir.
 Q Was Robert Watson, now deceased, the father of these children? A Yes, sir.
 Q Are these children all living with you at your home? A Yes, sir.
 Q You support them? A Yes, sir.
 Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in Indian Territory? A No, sir.
 Q Have you ever or your children, any of you, made application for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896, to the Dawes Commission? A No, sir.
 Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
 Q Is this the first application you have ever made for yourself and children either to the Choctaw tribal authorities, or the United States authorities for admission in the Choctaw Nation? A Yes, 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 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 of the year 1830. This treaty was made for the especial purpose of removing as far as practicable 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 refuse to go to the Choctaw Nation Indian Territory and in order to protect the interest of these Indians article fourteen was drafted and put into the treaty. The treaty then as a whole was signed and afterwards was 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 for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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 sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My father Travis Donaho..
- Q Through whom do you claim through? A My grandfather.
- Q Give his name? A Daniel Donaho.
- Q How much Choctaw blood did he have? A I don't know sir.
- Q Did he live in Mississippi in 1830? A I don't know sir.
- Q Did he live in Alabama in 1830? A I could not tell you.
- Q Did he live in either of these two states at any time in his life? A I don't know sir.
- Q Do you know if any other Choctaw ancestor of yours lived in the old Choctaw Nation in Mississippi and Alabama in 1830 and was the head of a family there then? A No, sir.
- Q You claim through your father don't you? A Yes, sir.
- Q How old is he at this time? A Fifty-six years.
- Q Where was he born? A In Texas.
- Q He claims through his father Daniel? A Yes, sir.
- Q Where was Daniel born? A I don't know.
- Q Where did he die? A I don't know.
- Q You don't know whether he ever lived in Mississippi? A No, sir.
- Q Or Alabama? A No, sir.
- Q Can you give the name of any other Choctaw ancestor of yours who you do know lived in that old Choctaw Nation? A No, sir.
- Q You don't know of any of your Choctaw ancestors then who owned any improvements on land in the old Choctaw Nation in 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 signify to him their intention to remain in Mississippi, take land there and become citizens of the United States? A No, sir.
- 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 sir.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama or any benefits of any kind as Choctaw Indians under article fourteen of 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 were required if they wanted to take advantage 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 and 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; 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 an act approved March 3rd of that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under that article of that treaty. In 1848 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. This Commission was appointed by act of Congress approved August 23rd 1842.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under the articles of that treaty? A No, sir.

By attorney.

- Q You don't know whether they did or not? A No, sir; I don't know.

By the Commission.

- Q Your answer is then that you don't know? A I don't know; No, sir.

- Q Did any of your Choctaw ancestors receive any scrip from the government of the United States 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 Choctaw Nation and which the government had taken from them and sold? A I don't know sir.

This scrip was issued under an act of Congress of August 23, 1842.

- Q Do you know Isaac E. Donaho? do you know who he is? A No, sir.
Q Do you know whether he is related to you at all? A No, sir I don't know.

The records in the possession of the Commission examined and show that Isaac E. Donaho has made application to be identified as a Mississippi Choctaw and that the number of his case is M.C.R. 271, and that he claims through the same common ancestor through whom the present claimants makes her application, also, the record show that her father Travis F. Donaho made application.

- Q Do you want to have the testimony of all these claimants who have been before the Commission to be identified as Mississippi Choctaws claiming through the same common ancestor considered with yours and made a part of the record in your case? A Yes, sir.
Q Do you speak the Choctaw language? A No, sir.
Q Have you any documentary or any other proper evidence you want to present now in support of your claim? A No, sir.
Q You care for any time in which to furnish other evidence? A No, sir.

Time waived by L. P. Hudson, attorney for applicants.

- Q You don't speak the Choctaw language? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; medium fair complexion; brown hair. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of any of her

in accordance with the provisions of Article fourteenth of the treaty
of 1850.

I, the undersigned, being duly sworn, depose and state that on
Stamford to the Commission to the Five Civilized Tribes in
report in full all the papers and in the above entitled
case on April 11, 1902, and that the above and foregoing is a
full, true and correct transcript of his stenographic notes in
said case on said date of April 11, 1902.

J. Rosenwinkel

Subscribed and sworn to before me this 14th day of April 1902.

Carroll H. Wood

Notary Public.

COPY.

M C R 5146

Muskogee, Indian Territory, January 19, 1903.

Lula Watson,
Corpuscular, Texas.

Dear madam:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaac E. Donaho, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaac E. Donaho, et al.,	M C R	271
Robert E. Donaho, et al.,	"	273
John E. Donaho,	"	273
Anna Journagan, et al.,	"	283E
Martin W. Palmer, et al.,	"	2233
Will Palmer,	"	2234
James W. Palmer, et al.,	"	2335
Florence Malderine Ward, et al.,	"	570
George W. Donaho,	"	571
Isaac E. Donaho, et al.,	"	573
Lena J. Clappitt, et al.,	"	614
Thomas T. Donaho,	"	841
Blackstone H. Donaho, et al.,	"	986
T. F. Donaho, et al.,	"	4468
William Donaho, et al.,	"	4608
Joseph T. Young, et al.,	"	4609
Frances Ann Young,	"	4610
Malice L. Searoy, et al.,	"	4611
Mollie Martin, et al.,	"	5147
Lula Watson, et al.,	"	5148
William E. Donaho, et al.,	"	5149
Charlie Donaho, et al.,	"	5150
Sallie Martin, et al.,	"	5151
Sarah Katherine Peters, et al.,	"	6197

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 Isaac E. Donaho, James Owen Donaho, Lucinda S. Donaho, Jerry S. Donaho, Evin J. Donaho, Robert E. Donaho, William Rufus Donaho, John E. Donaho, Anna Journagan, Eddie Journagan, Huley Journagan, Martin W. Palmer, Alice Palmer, Will Palmer, James W. Palmer, Harvey I. Palmer, Fay Palmer, Mary Palmer, Florence Malderine Ward, Annie May Ward, George W. Donaho, Walter Lee Donaho, Lena J. Clampitt, Clara Lilly Clampitt, Thomas T. Donoho, Blackstone B. Donaho, Ada Donaho, Annie May Donaho, T.F. Donaho, David Donaho, William Donaho, Arthur Clayton Donaho, Lizzie B. Donaho, William Lee Donaho, Walter Robert Donaho, Joseph T. Young, Henry Young, Frances Ann Young, Paralee L. Searcy, Annie Searcy, Mollie Martin, Stella Martin, Joseph Martin, Della Martin, Allen Martin, Ethel Martin, Elmer Martin, Lula Watson, Sadie Watson, Eddie Watson, Calvin Watson, Bobbie Watson, William L. Donaho, Mamie Donaho, Ollie Donaho, Nora Donaho, Maggie Donaho, Charlie Donaho, Mabel Donaho, Eddie Donaho, Gladys Belle Donaho, Sallie Martin, Jessie Martin, Travis Wesley Martin, Arthur Martin, Sarah Katherine Peters, Syble Peters, Travis D. Peters, Charles Peters, Luther Peters, Wannie Ann Lott, Ola Lott, Homer Lott and Oscar Thomas Lott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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 ~~will~~ together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. D. Swain

Commissioner in Charge.

Registered.

McAlester, Indian Territory, July 20, 1903.

Corsicana, Texas.

Dear Madam:-

You are hereby notified that on the 14th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi chotaws of the several persons included in the consolidated case of Isaac H. Donaho et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

AUG 1 1912

Name Lula Watson.

Age ~~32~~ 33 Blood Don't Know.

Post Office, Corsicana, Tex.

Father: Travis F. Honcho, l

Mother: Sallie " l

Claims through father's husband

Robert Watson d, w.
and Indian desc
Know tribe —

No claim for husband.

Children:

Sadie Watson, 11

Eddie " (M) 8

Calvin " " 5

Bobbie " " 3

Claims for self
and children.

Stenographer C. Roemmer

Choctaw MCR 5149

William L. Donaho

See MCR 271

MCR 5149

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T. April 22, 1902.

5149

In the matter of the application for identification as Mississippi Choctaw of William L. Donaho for himself and his four minor children, Mamie, Sallie, Nora and Maggie Donaho.

L. P. Hudson attorney appearing for applicants.

William L. Donaho having been previously duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Will Donaho.
Q Do you want it Will or William? A Well either way; put it W. L.
Q What is your age? A Thirty.
Q What is your post office address? A Corsicana Texas.
Q How long have you lived there? A Been raised there.
Q Always lived 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 Travis Donaho.
Q What is your mother's name? A Sallie.
Q M-a-r-i-e? A Yes, sir.
Q Through which parent do you claim Choctaw blood? A Father.
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 I don't know sir.
Q Have you evidence of the marriage of your father and mother here with you at this time? A No, sir; it is on file with the Commission.
Q Is that marriage certificate on file in the records in the application of your father Travis Donaho? A Well I don't know.

Here L. P. Hudson, attorney for applicants, states that the marriage certificate referred to is on file in the case of Travis F. Donaho.

- Q Are you married? A Yes, sir.
Q What is your wife's name? A Dora Donaho.
Q Is she living? A Yes, sir.
Q She is a white woman or Indian? A She is a white woman.
Q You make no claim for her? A No, sir.
Q How many children have you? A Four.
Q How old are and unmarried? A Yes, sir.
Q You want to make application for them? A Yes, sir.
Q What is the name of the oldest? A Mamie.
Q M-a-m-i-e? A Yes, sir; seven years.

- Q What is the name of the next? A Ollie, she is five .
 Q Next? A Vera, she is three.
 Q Next? A Maggie, five months old.
 Q All girls? A Yes, sir.
 Q Five months? A Yes, sir.
 Q Is Dora Donaho the mother of these children? A Yes, sir.
 Q Are these children all living with you at your home? A Yes, sir.
 Q Are you and your wife living together now as husband and wife? 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 Dora? A Corsicana Texas.
 Q When? A The 24th of December eight years ago.
 Q Where were you married? A Corsicana.
 Q Were you married by a minister and under a license? A Yes, sir.
 Q Have you that marriage license and certificate with you? A Yes, sir.

Marriage certificate of W. L. Donaho and Miss Dora Martin presented by applicant, received, filed, marked exhibit "A" and made a part of the record in this case 5149.

- 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? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and any of your children to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
 Q Have you ever been admitted to citizenship with your children 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 to any authority, either the Dawes Commission or the Choctaw tribal authorities before this application? A No, sir.
 Q Do you now come before the Commission to be identified and for the identification of your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
 Q Do you understand that article of that treaty? A 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 of September 1830 and was made for the purpose of removing, so far as practicable, 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 good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interest of these Indians who stayed back there in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; then it was signed and afterwards became 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 Did any of your Choctaw ancestors comply or attempt to comply in any way with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q You understand that article now don't you well enough to claim under it or don't you? A I don't know that I understand that article yet.
- Q You don't understand it well enough to make your application under it? A Yes, sir.
- Q You understand the general meaning and purpose of that article? A Yes, sir.
- Q To remove the Choctaws from the old Choctaw Nation to the new? A Yes, sir.
- Q All those who refused to go at that time after the treaty was ratified were obliged to do certain things in order to get land in Mississippi. They had to go to the Agent within six months from the ratification of the treaty, that would be six months from February 24, 1831, and tell him this "We want to stay in Mississippi, don't want to go to the Indian Territory, but, we want to take land here in this Choctaw Nation in Mississippi, live on it for five years and we intend to become citizens of the United States." That is all they had to do in order to get land there. If they lived on it for five years they would get a deed to it. Those Indians, if they afterwards went to the Choctaw Nation, Indian Territory, or if their descendants afterwards made application to be identified they could be identified because these men, their descendants, complied or attempted to comply with article fourteen of the treaty of 1830; now you understand that? 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 Travis Donaho
- Q Go back as far as you can to the remote ancestor who lived in Mississippi in 1830? A Daniel Donaho, my grandfather.
- Q How much Choctaw blood did he have? A I don't know.
- Q Did he live in Mississippi in 1830? A I don't know.
- Q Did he live in Alabama in 1830? A I don't know.
- Q Can you give the name of any Choctaw ancestor who lived in the old Choctaw Nation East of the Mississippi River in 1830 and had a family there at that time? A No, sir; I can't.
- Q How old would Daniel Donaho be if living now? A I don't know.
- Q Do you know whether he ever lived in Mississippi and Alabama? A No, sir.
- Q Did you ever hear of any ancestor who did live in either of these states at any time? A No, sir.

- Q Your father is how old now? A Sixty-six.
 Q Where was he born? A Born in Texas.
 Q Did his father die in Texas? A I don't know.
 Q Was Daniel Denaho his father? A Yes, sir.
 Q Don't you know anything about your grandfather at all? A No, sir.
 Q Don't know how old he was when he died? A No, sir.
 Q Now when he died? A No, sir.
 Q Or where he died? A No, sir.
 Q Don't know anything about your ancestyr then beyond your father?
 A No, sir.
 Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama 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 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 and 1838, ever hear? A No, sir.
 Q Did any of your Choctaw ancestors own any land or claim any or any benefits of any kind under article fourteen of the treaty of 1830? A I don't know.

The Choctaw Indians, who lived in Mississippi and Alabama, 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, who had an Agency in Mississippi, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. This caused a good many Choctaw Indians who had land in the old Choctaw Nation upon which they had improvements to lose both the land and the improvements, both were taken from the by the government and sold at its public land sales. This conduct on the part of the government caused great distress among the Indians and a great many complaints were made, so that in 1837 by act 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 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 thesetwo Commissions, that of 1837 or the Commission of 1842, 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 under an 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 the land which they had held in Mississippi and which the government had taken from them and sold at its public land sales? A I don't know.
 Q Have any of your relatives been here to be identified as Mississippi Choctaws except your father Travis Denaho? A Yes, I have an uncle who has been here, Black Denaho.

Attorney; Blackstons it is.

#8

- Q What is the name of your father? A Travis F. Denaho.
Q He has been here has he not? A Yes, sir
Q Isaac E. Denaho is what kin to you? A Cousin.

The case of Isaac E. Denaho is here referred to as one of the kin of this applicant who made application and whose number is M.C.R. 271.

- Q Do you want to have the record made by him in his case also the the record in all other cases who claim through the same ancestor considered with yours? A Yes, sir.
Q Have you any other evidence you want to introduce at this time? A No, sir.
Q You care for any time in which to introduce other evidence? A No, sir.

Time waived by L.P.Hudson attorney for applicant.

- 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? A No, sir.
Q Are your eyes blue or brown? A They are between gray and blue.

This applicant has the appearance and physical characteristics of being descended from white parentage. He has florid complexion gray eyes; 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 April 12, 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 14th day of April 1902.

W. A. Mitchellwood
Notary Public.

Mustang, Indian Territory, January 19, 1903.

William L. Donaho,
Corsicana, Texas.

Dear Sir:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaac H. Donaho, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaac H. Donaho, et al.,	M C R	271
Robert H. Donaho, et al.,	"	272
John E. Donaho,	"	275
Anna Journagan, et al.,	"	2232
Martin W. Palmer, et al.,	"	2285
Will Palmer,	"	2284
James W. Palmer, et al.,	"	2285
Florence Haldering Ward, et al.,	"	570
George W. Donaho,	"	571
Walter Lee Donaho,	"	575
Lena J. Clampitt, et al.,	"	614
Thomas T. Donaho,	"	641
Blackstone B. Donaho, et al.,	"	986
T. F. Donaho, et al.,	"	4468
William Donaho, et al.,	"	4608
Joseph T. Young, et al.,	"	4608
Frances Ann Young,	"	4610
Paralee L. Searcy, et al.,	"	4611
Nellie Martin, et al.,	"	5147
Lula Watson, et al.,	"	5148
William L. Donaho, et al.,	"	5149
Charlie Donaho, et al.,	"	5150
Sallie Martin, et al.,	"	5151
Sarah Katherine Peters, et al.,	"	5197

V. L. Donaho---2

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac E. Donaho, James Owen Donaho, Lucinda C. Donaho, Jerry S. Donaho, Evin J. Donaho, Robert E. Donaho, William Rufus Donaho, John E. Donaho, Anna Journagan, Eddie Journagan, Huley Journagan, Martin W. Palmer, Alice Palmer, Will Palmer, James W. Palmer, Harvey I. Palmer, Pa. Palmer, Mary Palmer, Florence Balderine Ward, Annie May Ward, George W. Donaho, Walter Lee Donaho, Lena J. Clappitt, Clara Lilly Clappitt, Thomas T. Donaho, Blackstone B. Donaho, Ada Donaho, Annie May Donaho, T. F. Donaho, David Donaho, William Donaho, Arthur Clayton Donaho, Lizzie B. Donaho, William Lee Donaho, Walter Robert Donaho, Joseph T. Young, Henry Young, Frances Ann Young, Paralee L. Searcy, Annie Searcy, Hollie Martin, Stella Martin, Joseph Martin, Shelia Martin, Allen Martin, Ethel Martin, Elmer Martin, Lula Watson, Sadie Watson, Eddie Watson, Calvin Watson, Bobbie Watson, William L. Donaho, Marie Donaho, Ollie Donaho, Nora Donaho, Maggie Donaho, Charlie Donaho, Nabel Donaho, Kudie Donaho, Gladys Belle Donaho, Sullie Martin, Jessie Martin, Travis Wesley Martin, Arthur Martin, Sarah Katherine Peters, Syble Peters, Travis D. Peters, Charles Peters, Luther Peters, Nannie Ann Lott, Ola Lott, Homer Lott and Oscar Thomas Lott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

W. L. ...

office, and that at the expiration of said time the papers in the
case together with such arguments will be forwarded to the Secre-
tary of the Interior through the Commissioner of Indian Affairs

Respectfully,

SIGNED:

I. B. Needles.
Commissioner in Charge.

Registered.

M.C.A. 5149.

COPY

Washington, Indian Territory, July 19, 1903.

William E. Donaho,

Dear Sir:-

You are hereby notified that on the 14th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Isaac E. Donaho et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date APR 1 1902

Name William L. Honaho,

Age 30 Blood Son't know.

Post Office, Corsicana, Texas,

Father: Travis Honaho, l

Mother: Sallie " l.

Claims through father
wife, Flora Honaho, l. w.

No claim for wife.

Children:

Mamie Honaho, 7

Ollie " 5

Nora " 3

Maggie " 5 m.

Claims for self
and children,

Stenographer G. Rosemire

Choctaw MCR 5150

Charlie Donaho

See MCR 271

MCR 5150

Department of the Interior,
Commissioner of the Five Civilized Tribes,
Muskogee, Indian Territory, April 12, 1907.

5180

In the matter of the application of Charlie Donaho for the identification of himself and his three minor children, Mabel, Bessie and Gandy Belle Donaho, as Mississippi Choctaws.

L.F. Hudson, att'y for applicants.

Charlie Donaho being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Charlie Donaho.
Q What is your age? A Twenty six.
Q What is your post office address? A Corsicana Texas.
Q How long have you lived at Corsicana? A All my life.
Q Were you born and raised 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 Travis F. Donaho.
Q What is your mother's name? A Bessie Donaho.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A I don't know sir.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as such by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Your father has made application to be identified as a Mississippi Choctaw before the Commission? A Yes sir.
Q Have you the proof of his marriage with his wife, Bessie, with you? A No sir.

(Here L.F. Hudson, attorney for applicant states that the marriage license of Travis F. and Bessie Donaho are now on file in the case of Travis F. Donaho, and asks that the same be accepted in this case.)

Q Do you desire to have the cases of all these applicants claiming through the same common ancestor consolidated, do you, Mr. Hudson?
A Yes sir.

Q And in that event, have the marriage license of his father and mother apply to his application? A Yes sir.

To applicant:

Q Are you married? A Yes sir.

Q What is your wife's name? A Daisy Donaho.

Q She is living? A Yes sir.

Q And is she a white woman or Indian? A White woman.

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

Q Give me the name of your eldest child? A Mabel Donaho.

Q How old is she? A Five years of age? A

Q The next? A Eddie. Donaho.

Q Boy? A Yes sir.

Q How old? A Three years of age.

Q The next? A Gladys Belle Donaho.

Q How old? A Fifteen months.

Q Is that all the children? A Yes sir.

Q You claim for yourself and these three children, do you? A Yes sir.

Q Is Daisy Donaho the mother of these children? A Yes sir.

Q Are you and your wife living together? A Yes sir.

Q And all the children living with you at your home? A Yes sir.

Q Were either of you married before you married each other? A No sir.

Q Have you the proof of your marriage to your wife with you? A Yes sir.

Marriage certificate of the marriage of C.H. Donaho and Miss Daisy Anderson offered in evidence, received, filed, marked Exhibit "A" and made a part of the record in this case.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?

Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you ever made application before this time for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the authorities of the United States? 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 Do you now come before the Commission to be identified as a Mississippi Choctaw and for the identification of these three chil-

dren 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 day of September, that year, and was made for the purpose of removing as far as possible 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 come to the Choctaw Nation, Indian Territory, and for their protection and benefit article fourteen was put into the treaty; it was then signed and afterwards ratified on the 24th day of February, 1831. 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 understand that article now? A Yes sir.

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

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 grandfather.

Q What was his name? A Daniel Donaho.

Q Did he live in Mississippi or Alabama in 1830? A I don't know.

Q Did you ever hear that he lived in the old Choctaw Nation in Mississippi or Alabama? A I have been taught that.

Q Well, which State did he live in? A I don't know.

Q Never heard that he lived in one or the other? A No sir.

Q Do you know whether he or any of your Choctaw ancestor lived in the old Choctaw Nation in 1830 and was the head of a family there then? A No sir.

Q How old would your grandfather, Daniel Donaho, be if living now?

A I don't know.

Q Where was he born? A I don't know.

Q Where did he die? A I don't know.

Q Don't know much about him? A No sir.

Q Or any other ancestor of yours having Choctaw blood? A No sir.

Q Did any of your Choctaw ancestors own any land or claim any or any benefits of any kind as Choctaw Indians 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 any improvements on land in the old Choctaw Nation in the year 1830? A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw nation, Indian Territory, between 1833 to 1838 with the other Indians? 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, 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.

The members of the Choctaw tribe of 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 the provisions of article fourteen to go to the United States Indian agent whose name was Col. Ward and tell him-- he lived in Mississippi and had an agency there-- that they wanted to stay in the old Choctaw Nation, take land there and become citizens of the States; this they had to do within six months; a good many Indians did so whose names Col. Ward neglected to place upon any list made by him;-- it is estimated that between 6000 and 7000 Indians remained back in the old Choctaw Nation, and of that number a great many made application to Col. Ward to be registered under article fourteen, but his list of which there are three-- one authenticated, one not authenticated and one a part or duplication of one of the others, contains the names of only about 142 heads of families; his failure to make a proper register of those applicants caused a good many Indians who had lands in Mississippi upon which they had improvements to lose both the land and improvements, they were taken from them by the Government and sold at Public Land Sale. This caused a great many complaints so that in 1837 Congress appointed a Commission 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 by Congress for the same purpose 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, Daniel Denaho, or any other went before either of these Commissions and claimed 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, if it

also appeared that he had once 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 either Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him authorizing him to make this selection; this certificate was 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 What relation is Isaac E. Donaho to you? A Cousin.

Q He has made application to be identified as a Mississippi Choctaw, has he not? A Yes sir.

The case of Isaac E. Donaho, M.C.R. no. 271 is here referred to and made a part of this record.

Q Do you want to have that record considered with yours when it is examined? A Yes sir.

Q And also that of all other applicants who claim through the same common ancestor? A Yes sir.

Q Have you any other evidence or proof that you desire to present at this time? A No sir.

(Here L.P. Hudson attorney for applicant waives time for filing further evidence in this case.)

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

Q Anything more you want to say in support of this claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has dark complexion, dark brown eyes and black hair; 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.

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 18, 1902, and that this is a full,

... and perfect transcript of his stenographic notes in said cause
... said...

Henry S. Larns

... and sworn to before me this 11th day of April, 1902.

Clara Mitchell Wood

Notary Public.

COPY.

N.C.R. 5160.

Muskogee, Indian Territory, January 19, 1903.

Charlie Donaho,
Corsicana, Texas.

Dear Sir:-

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaac B. Donaho, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaac B. Donaho, et al.,	N.C.N.	571
Robert B. Donaho, et al.,	"	572
John B. Donaho,	"	573
Anna Journagan, et al.,	"	2232
Martin W. Palmer, et al.,	"	2233
Will Palmer,	"	2234
James W. Palmer, et al.,	"	2235
Florence Haldorine Ward, et al.,	"	570
George W. Donaho,	"	571
Walter Lee Donaho,	"	575
Leah J. Clamitt, et al.,	"	614
Thomas F. Donaho,	"	841
Blackstone B. Donaho, et al.,	"	984
T. F. Donaho, et al.,	"	4468
William Donaho, et al.,	"	4608
Joseph T. Young, et al.,	"	4609
Frances Ann Young,	"	4610
Parales L. Searcy, et al.,	"	4611
Mollie Martin, et al.,	"	5147
Lula Watson, et al.,	"	5148
William L. Donaho, et al.,	"	5149
Charlie Donaho, et al.,	"	5160
Sallie Martin, et al.,	"	5151
Sarah Katherine Peters, et al.,	"	5152

C. D. § 2.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac E. Donaho, James Owen Donaho, Lucinda C. Donaho, Jerry S. Donaho, Evin J. Donaho, Robert E. Donaho, William Rufus Donaho, John E. Donaho, Anna Journagan, Eddie Journagan, Huley Journagan, Martin W. Palmer, Alice Palmer, Will Palmer, James W. Palmer, Harvey I. Palmer, Fay Palmer, Mary Palmer, Florence Malderine Ward, Annie May Ward, George W. Donaho, Walter Lee Donaho, Lena J. Clampitt, Clare Lilly Clampitt, Thomas T. Donoho, Blackstone B. Donaho, Ada Donaho, Annie May Donaho, T. F. Donaho, David Donaho, William Donaho, Arthur Clayton, Donaho, Lizzie B. Donaho, William Lee Donaho, Walter Robert Donaho, Joseph T. Young, Henry Young, Frances Ann Young, Paralee L. Searcy, Annie Searcy, Mollie Martin, Stella Martin, Joseph Martin, Della Martin, Allen Martin, Ethel Martin, Elmer Martin, Lula Watson, Sadie Watson, Eddie Watson, Calvin Watson, Bobbie Watson, William L. Donaho, Mamie Donaho, Ollie Donaho, Nora Donaho, Maggie Donaho, Charlie Donaho, Mabel Donaho, Eddie Donaho, Gladys Belle Donaho, Sallie Martin, Jessie Martin, Travis Wesley Martin, Arthur Martin, Sarah Katherine Peters, Syble Peters, Travis D. Peters, Charles Peters, Luther Peters, Fannie Ann Lott, Ola Lott, Homer Lott and Oscar Thomas Lott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

COPY

arrived, and that at the expiration of said year the papers in the
case, together with such arguments, shall be forwarded to the Secre-
tary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Dr. Weeden
Commissioner in Charge.

Registered.

H. C. R. 5255

COPY

Madison, Indian Territory, July 30, 1903.

Charlie Donaho,

Corsicana, Texas.

Dear Sir:-

You are hereby notified that on the 14th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Isaac H. Donaho et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,

T. B. Needles

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date APR 11 1907

Name Charlie Leonaho.

Age 26 - Blood mix known

Post Office, Cousicana, Texas.

Father: Travis F. Leonaho, L.

Mother: Sallie " L

Claims through father, —
 wife. Daisy Leonaho, L.W.
 No claim for wife.

Children:

Mabel Leonaho. 5

Eddie " 3

Gladys Belle " 15 m

Claims for self &
 children

Stenographer H. G. Davis.

Choctaw MCR 5151

Sallie Martin

See MCR 271

MCR 5151

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 12, 1902.

5151

In the matter of the application of Sallie Martin for the identification of herself and her three minor children, Jessie, Travis Wesley and Arthur Martin, as Mississippi Choctaws.

L.P.Hudson, att'y for applicants.

Sallie Martin being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sallie Martin.
Q What is your age? A Twenty four.
Q What is your post office address? A Corsicana Texas.
Q How long have you lived in Corsicana? A All my life.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Travis F. Donahoe.
Q What is your mother's name? A Sallie Donahoe.
Q Through which parent do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I don't know sir.
Q Have you proof of the marriage of your father and mother? A No sir.

(Here L.P.Hudson, attorney for applicant, states that evidence of the marriage of Travis F. and Sallie Donahoe was filed in the case of Travis F. Donahoe and asks that the same be accepted in this case.)

- Q Has your father ever been recognized in any manner or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q Is he an Indian? A No sir, white man.
Q What is his name? A William Martin.

- Q You make no application for him then? A No sir.
- Q What is the name of your oldest child? A Jessie Martin. Seven years old.
- Q Boy? A No sir; girl.
- Q The next? A Travis Wesley Martin, five years old.
- Q And the next? A Arthur Martin, two years old.
- Q That is all? A Yes sir.
- Q You claim for yourself and children? A Yes sir.
- Q Is William Martin the father of these children? A Yes sir.
- Q Are they living with you at your home? A Yes sir.
- Q Are you and your husband living together as man and wife? A Yes sir.
- Q Were either of you married before? A No sir.
- Q When were you married? A In 1893.
- Q Remember what place? A Corsicana.
- 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 yourself and children for citizenship in the Choctaw Nation to the Dawes Commission under the act of ~~Commisssion~~ Congress of June 10, 1896? A No sir.
- Q Have you ever before this date made application for citizenship in the Choctaw Nation to any authority whatever? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw and for the identification of 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.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians in Mississippi at a place called Dancing Rabbit Creek on the 27th day of September, that year, and was made for the purpose of removing as far as practicable all the members of the Choctaw tribe of Indians living 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 refuse to go to the Choctaw Nation, Indian Territory, under that treaty and in order to protect the rights and interests of those Choctaws who remained 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. 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 State for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that now? A Yes sir.
Q Enough to claim under it? A Yes sir.
Q Do you understand the provisions of that article in the treaty?
A Yes sir.
Q And what was accomplished under it? A Yes sir.
Q Did any of your Choctaw ancestors to your knowledge comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830? A No sir.
Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Daniel Donaho.
Q What relation was he to you? A Grandfather.
Q Did he live in Mississippi? A I don't know.
Q Did you ever hear that he lived in the old Choctaw Nation either in Mississippi or Alabama? A I don't know.
Q Don't know whether he was living in the old Choctaw Nation and was head of a family in 1830? A I don't know.
Q How old would he be if living now? A I don't know.
Q Did he speak the Choctaw language and have an Indian name? A No sir.
Q Don't know much about him, do you? A No sir.
Q Don't know where or when he was born or died? A No sir.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama 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, 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 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 your Choctaw ancestors own any land or claim any or any benefits of any kind under 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 after the treaty of 1830 was ratified refusing to go the Choctaw Nation, Indian Territory, with the other

Indians under that treaty were obliged if they wanted to take advantage of article fourteen of that treaty to 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 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 a good many Indians to lose their lands for they were taken from them along with the improvements and sold by the Government at its Public Land sales. This caused so many complaints among the Indians that in 1837 by an act approved March 3, that year, Congress appointed this Commission which went to Mississippi and heard claimants under article fourteen. In 1842 another Commission was appointed for the same purpose and this Commission 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 I don't know.

The act of Congress approved August 23, 1842, provided that if any Choctaw ~~ancestor~~ proved his claim before either of these commissions and if it further appeared that he had had land taken from him in Mississippi by the Government 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 Choctaw ancestors receive any such scrip from the Government? A I don't know.

Q What relation is Isaac H. Donaho to you? A Cousin.

Q He has made application to be identified before the Commission?

A I don't know.

(The records of the Commission show that Isaac H. Donaho made application to be identified as a Mississippi Choctaw- R.No. 271 which is here referred to, and that he claimed through one Daniel Donaho.)

Q Would you like to have his case considered with yours? A Yes sir.

Q And also all others who claim through the same common ancestor?

A Yes sir.

Q Have you any other proof you want to introduce? A No sir.

(Here L.P. Hudson, attorney for applicants, states that he waives time for filing further evidence in this case.)

Q Do you speak the Choctaw language? A No sir.
Q Have you any knowledge of the language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium fair complexion, dark hair, almost black; and brown eyes. She has no knowledge of the Choctaw language and no knowledge of the compliance by her ancestors any of them 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 12, 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 16th April, 1902.

Clara Mitchellwood

Notary Public.

H.C.R. 6151

Muskogee, Indian Territory, January 3, 1903.

William Martin,

P.O. Box #21,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd ultimo, asking to be advised the present status of the case of your wife.

In reply to your letter you are informed that it appears from our records that Sallie Martin, wife of William Martin, residence Corsicana, Texas, is an applicant for the identification of herself and three minor children as Mississippi Choctaws.

No opinion or decision has yet been reached in her case.

As soon as a decision is rendered she will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Acting Chairman.

COPY.

N O B 5181

Muskogee, Indian Territory, January 19, 1903.

Ballie Martin,

Chickasha, Indian Territory.

Remained Chickasha Texas March 4, 1903

Dear Madam:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaac E. Donaho, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaac E. Donaho, et al.,	N O B	271
Robert E. Donaho, et al.,	"	273
John E. Donaho,	"	275
Anna Jearnagan, et al.,	"	2232
Martin W. Palmer, et al.,	"	2233
Will Palmer,	"	2234
James W. Palmer, et al.,	"	2235
Flournoy Malderine Ward, et al.,	"	270
George W. Donaho,	"	271
Walter Lee Donaho,	"	273
Lena E. Clappitt, et al.,	"	214
Thomas T. Donaho,	"	241
Blackstone B. Donaho, et al.,	"	286
T.F. Donaho, et al.,	"	4468
William Donaho, et al.,	"	4608
Joseph T. Young, et al.,	"	4609
Frances Ann Young,	"	4610
Paralee L. Searcy, et al.,	"	4611
Mollie Martin, et al.,	"	5147
Lula Watson, et al.,	"	5148
William L. Donaho, et al.,	"	5149
Charlie Donaho, et al.,	"	5150
Ballie Martin, et al.,	"	5151
Sarah Katherine Peters, et al.,	"	5197

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 Isaac B. Donaho, James Owen Donaho, Lucinda C. Donaho, Jerry S. Donaho, Evin J. Donaho, Robert E. Donaho, William Rufus Donaho, John E. Donaho, Anna Journagan, Eddie Journagan, Huley Journagan, Martin W. Palmer, Alice Palmer, Will Palmer, James W. Palmer, Harvey I. Palmer, Fay Palmer, Mary Palmer, Florence Malderine Ward, Annie May Ward, George W. Donaho, Walter Lee Donaho, Lena J. Clampitt, Clare Lilly Clampitt, Thomas T. Donoho, Blackstone B. Donaho, Ada Donaho, Annie May Donaho, T.F. Donaho, David Donaho, William Donaho, Arthur Clayton Donaho, Lizzie B. Donaho, William Lee Donaho, Walter Robert Donaho, Joseph T. Young, Henry Young, Frances Ann Young, Paralee L. Searcy, Annie Searcy, Mollie Martin, Stella Martin, Joseph Martin, Della Martin, Allen Martin, Ethel Martin, Elmer Martin, Lula Watson, Sadie Watson, Eddie Watson, Calvin Watson, Bobbie Watson, William L. Donaho, Mamie Donaho, Ollie Donaho, Nora Donaho, Maggie Donaho, Charlie Donaho, Mabel Donaho, Eddie Donaho, Gladys Belle Donaho, Sallie Martin, Jessie Martin, Travis Wesley Martin, Arthur Martin, Sarah Katherine Peters, Abbie Peters, Travis D. Peters, Charles Peters, Luther Peters, Annie Ann Lett, Ola Lett, Homer Lett and Oscar Thomas Lett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Registered.

Commissioner in Charge.

M.C.R. 5151.

COPY

Muskogee, Indian Territory, July 30, 1903.

Charlie Martin,

Corsicana, Texas.

Dear Madam:-

You are hereby notified that on the 14th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Isaac E. Donaho et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date 1902Name Sallie Martin.Age 24 - Blood Don't know.Post Office, Corsicana, Texas.Father: Travis F. Honaho, l.Mother: Sallie " l.

Claims through father -
husband
William Martin, l. w.

No claim for
husband

Children:

<u>Jessie Martin</u>	<u>7</u>
<u>Travis W, "</u>	<u>5</u>
<u>Arthur "</u>	<u>2</u>

Claims for self
and children

Enographer H. G. Hain

Choctaw MCR 5152

Hattie Myers.

MCR 5152

Sub

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Hattie Myers,
et al., for identification as Mississippi Choctaws,
H.C.R. 5122

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 Hattie Myers, et al., to the Dawes Commission for identification as Mississippi Choctaws	2
What purports to be a copy of the certificate of marriage of J. M. Myers and Hattie Russell	7
Certificate of I. T. Sloan	7 a
Decision of the Commission refusing the application of Hattie Myers, et al., for identification as Mississippi Choctaws	8

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. April 12, 1902.

5152
3222
In the matter of the application for identification as Missis-
sippi Choctaws of Hattie Myers for herself and her minor daughter
Julie Retella Myers.

Applicants not represented by attorney.

Hattie Myers being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Hattie Myers.
Q N-y-e-r-s? A Yes, sir.
Q What is your age? A I am thirty-two.
Q What is your post office address? A Black Springs, Arkansas.
Q How long have you lived at Black Springs? A We went there on
the 21st of January.
Q This year? A Yes, sir.
Q Where did you live before that? A Four years in Montague County,
Texas.
Q Before you went to Arkansas? A Yes, sir.
Q Where did you live before you lived in Texas? A In the Terri-
tory.
Q Where were you born? A In Missouri.
Q At what place in Missouri? A Barton County.
Q From Missouri you went where? A Territory.
Q Lived in the Territory until you went to Texas? A Yes, sir.
Q Where did you live in the Indian Territory? A All over the Choctaw
and Chickasaw both.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, she was the last account I had
of her, eight years ago.
Q What is your father's name? A Well his name it was Loth Lorenz
Mundell.
Q Loth L. Mundell is it? A Yes, sir.
Q L-o-t-h-L-a? A Yes, sir.
Q What is your mother's name? A You want her maiden name?
Q The name she has now? A Holland Mundell.
Q H-o-l-l-a-n-d? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A Three-quarters, that is he is, I aint'.
Q How much are you? A I don't know what one-half of three-quarters
is.
Q Three-eighths? A Well that is what I am.
Q You claim three-eighths then? A Yes, sir.
Q Has your father ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities in Indian Territory?
A I don't know.
Q Have you proof of the marriage of your father and mother with you?
A No, sir.

Q Can you get it? A Yes, sir.

A reasonable time will be allowed this applicant in which to furnish proof of the marriage of his father and mother.

Q Can you tell when and where they were married? A They were married in Missouri.

Q What place in Missouri? A Springfield, Missouri.

Q By a minister and under a license? A Yes, sir.

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 has never proven his right; they say he is part Indian. I aint' running for him, jus for myself.

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

Q What is his name? A John Myers.

Q What is the name of your son that you want to make application for? A It is a girl.

Q What is the name of your child? A Julie.

Q J-u-l-i-e? A Estella.

Q E-s-t-e-l-l-a? A Yes, sir.

Q How old is she? A Thirteen.

Q Is that all the children you have? A Yes, living.

Q Is John Myers the father of thise child? A Yes, sir.

Q Are you and your husband living together as husband and wife now and the children living with you? A Yes, sir.

Q Were either you or he married before you married each other? A He was.

Q There are no children of his first marriage you want to make application for? A No, sir.

Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? a Name of which.

Q Your name or the name of your child? A Yes, sir.

Q On the tribal rolls; it is not on the tribal rolls? A I don't understand you.

Q Are you enrolled in the Indian Territory? A No, sir; I aint.

Q Did you ever make application to the Choctaw tribal authorities or any one for your enrollment or for the enrollment of your child? A No, sir.

Q Did you ever make application for enrollment for yourself and child in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A 1896.

Q Six years ago? A No, sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and chil to the Dawes Commission at any time before this? A before this time?

Q Yes,? A I put the papers in Mr. Woods hands last year.

Q Did he ever go before the Commission or did you ever? A I suppose so, I don't know.

Q Did you? A No, sir; may be some writing came before the Commission.

The records of the Commission examined and the name of Hattie Myers and her child Julie Estella fail to appear as applicants for citizenship either as Choctaws or for identification as Mississippi Choctaws/

Q Have you or your child ever been admittedte citizenship in the Choctaw Nation? A No, sir.

- Q 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 What is the name of your lawyer whom you employed to make application for you here, to represent you in your application before the Commission? A J. P. Woods.
- Q Where does he live? A Linden, Texas.
- Q You paid him? A No, I have not paid him yet.
- Q You have paid him no money? A No, sir.
- Q But he failed to make an appearance for you? A Yes, sir.
- Q You now come before the Commission to identify yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830; do you? A Yes, sir.
- Q You understand that article of that treaty? A No, sir.
- Q Claim under article fourteen of that treaty of 1830, that article that I have read and explained here to these people? A Yes, sir.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September 1830. The object of the treaty was to remove all of the Choctaw Indians who lived in the old Choctaw Nation, 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 therefore in order to protect their interests article fourteen was put into the treaty of 1830. The treaty 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 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 You understand that now; well enough to volaim 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 My father's mother.
- Q Claim through your grandmother? A Yes, sir.
- Q You go back further than that? A I don't think I can.
- Q What was your father's mother's name? A Before she married.
- Q Give her married name then I will ask her maiden name? A I don't know sir whether it was Melia or Eliza Hundall.
- Q A-m-e-l-i-a? A Yes, sir.

- Q Now what else? A Mundell is all unless you want her maiden name; then the part that the Indian came from is her maiden name.
- Q What was her maiden name? A McClish,--I believe her father was named Alex McClish.
- Q Did Amelia Mundell live in the state of Mississippi? A Yes, sir.
- Q Did she live there in 1830? A I don't know.
- Q Did her father Alex McClish live in Mississippi in 1830? I can't tell you.
- Q Did he have Choctaw blood? A Yes, sir; he was a full blood.
- Q How old would Amelia Mundell be if living now? A I don't know.
- Q Would she be an old woman? A Yes, sir.
- Q You know where she was born? A No, sir.
- Q Did her father Alex McClish or your grandmother Amelia either of them live in Mississippi in 1830 and were they heads of families there then? A I don't know.
- Q You cannot give me the name of any Choctaw ancestor or yours who, lived in Mississippi in 1830 and was the head of a family there then? A I can't say only what my parents told me.
- Q Have they told you so? A I don't recollect.
- Q How old would your father be if living now? A He has been dead eight years and was fifty four when he died.
- Q Fifty-four when he died and died eight years ago; he would only be sixty-two years old if living now; you know where he was born? A Mississippi he told me.
- Q You think your mother was born in Mississippi? A No, sir.
- Q Where was she born? A Tennessee.
- Q Then she came originally from Tennessee? A Yes, sir.
- Q Amelia Mundell was born where? A I don't know where she was born.
- Q You don't know where her father Alex McClish was born? A They told me in Mississippi?
- Q Did he live in Mississippi a long time? A Yes, I think he was transferred from Mississippi to the Territory.
- Q At what time do you know? A No, sir.
- Q Was he removed by the government? A Yes, sir.
- Q Did he go with the other Indians? A Yes, sir.
- Q The government removed the greater portion of the members of the Choctaw tribe from the old Choctaw Nation Mississippi and Alabama to the Choctaw Nation Indian Territory between 1833 and 1838; did he go at that time? A I don't know.
- Q How do you know he was removed by the government? A Well I suppose by my father.
- 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 other than your great grandfather Alex McClish 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 when it was.
- Q You won't tell when? A Yes, sir.
- Q Were you told by any one when? A No, sir.
- Q You don't know where Alex McClish located in Indian Territory? A No, sir; I don't.
- Q Did he go back again? A No, sir; I don't think he did.
- Q His daughter was Amelia Mundell? A Yes, sir.
- Q Now how did it happen that she stayed back therein the Choctaw Nation in Mississippi if her father went to the Indian Territory? A I don't know.

- Q You say she lived in Mississippi? A I don't know,--Her father did too and I guess she was married.
- Q Did she leave Mississippi and go to the Territory? A Yes, she went to the Territory.
- Q You know where she died? A No, sir; I don't know where she died.
- Q Did she die in the Indian Territory? A I can't tell you.
- Q Where was your father born? A In Mississippi.
- Q Well Amelia Mundell was his mother? A Yes, I guess so.
- Q Was your father born in Mississippi before his mother came to the Territory? A Yes, that is what I have been told..
- Q You stated that Amelia Mundell came to the Territory with her father Alex McClish? A No, I said that her father came I don't know that she came.
- Q You don't claim that she came then? A No, sir; I do not.
- Q But you do claim that your father was born in Mississippi? A Yes, sir.
- Q And after that he came to the Territory? A No, sir; he came to Missouri and was married and then came to the Territory.
- Q He did not come with his mother? A No, sir; they came separate.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation? A I don't know.
- Q Under article fourteen of the treaty of 1830? A I don't know.
- Q You never heard that they did? A I don't know. No, sir I did not

The members of the Choctaw tribe of 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 Colonel Ward who had an agency in Mississippi and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His failure to make a proper registration of these names of Indian claimants under 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; both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Indians so that in 1837, 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 another Commission was appointed by Congress for the same purpose under an act approved August 23rd of the year 1842. 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 Commissions and claim benefits as Choctaw Indians under article fourteen of that treaty? A I don't know.

Q

The act of Congress approved August 23, 1842 provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830; if it also 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 should be given him to empower him to select this land. These certificates were called scrip.

#6

- 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 relatives who have been before this Commission to be identified as Mississippi Choctaws? A I don't know whether they have or not.
- Q Have you any other evidence you want to introduce now in support of this claim? A Not at present.
- Q Would you like time in which to introduce evidence? A Yes, sir.
- Q About how much time do you think you want? A Until I can hear from him, he may come here, if he does he can attend to it himself.

Thirty days time will be allowed this applicant to introduce other evidence if she desires in support of this application.

- Q Do you speak the Choctaw language? A Some.
- Q How much do you speak it? A Well I could have talked it good but my father, when I was small, would not allow it because he said it would break my language and when at school they never would let us talk it (Applicant here utters several words in, apparently, a foreign language, purporting to be Choctaw)
- Q What do you call a Negro in Choctaw? A Lucy something.
- Q Tuckaloosa? A Yes Tuckaloosa.
- Q Can you count? A No, sir; I can't count much, I used could count up to five.
- Q You can't count now? A No, sir; I know what two is.
- Q What is two? A Tuckolo.
- Q You know what one is? A No, sir; I have forgot that.
- Q Cuckeheesa how much is that? A I don't know.

This applicant has the appearance and physical characteristics of being descended mixed ancestry, composed of white and Indian blood. Eyes, features and complexion, which is very dark, indicate a strain of Indian blood which she claims is Choctaw. She claims to be three-eighths Choctaw and in the opinion of the Commission she is undoubtedly that of a somewhat less strain. She does not understand the Choctaw language, speaks a smattering of words 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 12, 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 5th day of May 1902.

G. Rosenwinkel
John H. [Signature]
Notary Public.

402
C.W.

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

In the matter of the application of Mattie Myers, et al.,
for identification as Mississippi Choctaws, H.C.R. 5152.

--- DECISION ---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Mattie Myers for herself and her minor child, Julia Estelle
Myers, under the following provision of the act of Congress ap-
proved June 22, 1906 (34 Stat., 424):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
ninth, eighteen hundred and thirty, and to determine the
rights of said applicants, examine witnesses, and perform all other acts
deem 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-
ninth, eighteen hundred and thirty, by reason of being descendants

of Alex McClish, 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 10, 1896 (29 Stats., 381).

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 Alex McClish, 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., 120) 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 Mattie Myers and Julia Estelle Myers as Choctaw Indians entitled 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.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

James Bixby

Special Agent

(SIGNED)

T. P. Needles

Special Agent

(SIGNED)

C. B. Breckinridge

Commissioner

Washoe, Indian Territory,

DEC 4 1902

Muskogee, Indian Territory, June 20, 1902.

Hattie Myers,

Black Springs, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you state that you are an applicant for enrollment as a citizen of the Choctaw Nation and not of the Cherokee Nation as suggested in a recent communication from the Commission in regard to your right to enrollment.

It appears from our records that on April 12, 1901, at Muskogee, Indian Territory, you made personal application to this Commission for the identification of yourself and your minor child, Julia Estella Myers as Mississippi Choctaws.

The Commission has not up to this time taken up for consideration or rendered any opinion relative to the rights of yourself and your child to be identified as Mississippi Choctaws but when such decision is rendered you will be duly advised thereof and notified of the forwarding of the record in the case to the Secretary of the Interior for review.

If you desire to introduce any additional testimony effecting the right of yourself and your child to identification as Mississippi Choctaws as the descendants of a Choctaw Indian

N. K. S.

who resided in Mississippi in 1830 and who was a beneficiary under the provisions of the fourteenth article of the Oregon Treaty of 1830, the Commission will hear the testimony of such witnesses as you may present in person or accept depositions or affidavits in support of said application if submitted within thirty days from the date hereof.

Yours truly,

Commissioner in Charge.

Miss. Choctaw 25152

Muskogee, Indian Territory, June 24, 1902.

Mrs. Hattie Myers,
Black Springs, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of recent date inclosing what purports to be the marriage certificate between Hattie Mindell and J. M. Myers, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been filed with the record in this case.

You state that the record of your father's and mother's marriage, forty eight or fifty years ago, is destroyed. You are advised that if you desire to offer evidence of the marriage of your father and mother, if you cannot procure either the original or a certified copy of the marriage license and certificate, the certificate of the Clerk of the County in which the marriage took place in the destruction of the records, together with the affidavits of two disinterested persons who were present at the marriage will be accepted as evidence of the marriage, provided they are submitted for filing prior to July 16, 1902.

Yours truly,

Miss. Chairman 2152

Muskogee, Indian Territory, September 27, 1904.

Mrs. Mattie Myers,

Black Springs, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of September 22, inclosing certificate of I. T. Sloan, which you ask to have filed with the record in support of your application for the identification of yourself and your minor child as Mississippi Choctaws, and the same has been filed with the record in this case.

Respectfully,

Acting Chairman.

W2074-21574

COPY.

Washoe, Indian Territory, December 6, 1902.

Hattie Myers,

Black Springs, Arkansas.

Dear Madam:

You are hereby advised that on the 26th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Hattie Myers, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 20, 1896, (29 Stat., 405), which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hattie Myers and Julia Beaulieu Myers as Choctaw Indians entitled 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,

Wm. H. *James Birby*
Acting Chairman

Registered.

COPY

A. D. No. 2132.

Muskogee, Indian Territory, December 4, 1902.

Mansfield, Henshaw & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Hattie Myers, 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 contains as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hattie Myers and Julia Estelle Myers as Choctaw Indians entitled 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

Tames Bixby

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 30, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Wattie Myers, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 4, 1902.

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

Respectfully,

RED:

T. F. Johnston
Commissioner in Charge.

Through the
Commissioner of Indian Affairs.
Inc. M.C.R. 3152.

Wahkiaca, Indian Territory, January 12, 1903.

Hattie Myers,

Black Springs, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st instant, relative to the decision of the Commission in your case. You state that you do not understand why your application has been refused and that if you can do nothing more before the Commission you will send your letters to Congress.

In reply you are informed that the fifteen days from December 4, 1902, heretofore granted you within which to file arguments in support of your claim, expired on December 19, 1902. On December 20, 1902, the record in your case, together with the decision of the Commission refusing the application made by you for the identification of yourself and minor child as Mississippi Choctaws, was forwarded to the Secretary of the Interior.

The Commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that they are descendants of Choctaw Indians who resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830, and that such ancestors were beneficiaries under the fourteenth article of the Choctaw treaty of eighteen hundred and thirty. No evidence

B. H. 3

tending to show that your ancestors were such beneficiaries was
filed in support of your claim.

The Commission will advise you of such action as may be
taken by the Secretary of the Interior in your case.

Respectfully,

Acting Chairman.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 2, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Hattie Myers, for herself and her minor child, Julia Estella Myers, 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 Amelia (or Eliza) Mundell, nee McClish and Alex McClish, who it is alleged were Choctaw Indians, and residents of the Choctaw Nation, in Mississippi at the time of the making of the treaty of 1830, through Leath L. Mundell.

The Commission rejected the applicants December 4, 1902, because the names of the 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 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 discloses the fact that the names of the ancestors through whom they claim do not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty; neither does it appear that they applied to the commissions appointed to adjudicate the claims of those having rights as Choctaw Indians.

These being the facts it is respectfully recommended that the decision of the Commission rejecting the applicants, be approved.

Very respectfully,

(Signed)

A. C. TONNER,
Acting Commissioner.

C.T.C.(E)

N.C. 8425-1903.
L.F.D. 2860-1903.
L.H.S.

COPY.

W.H.R.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 23, 1903.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory:

Gentlemen:

December 20, 1902, you transmitted the record in the matter of the application of Hattie Myers, for the identification of herself and her minor child, Julie Estella Myers, as Mississippi Choctaws, (M.C.R. 5152), including your decision of December 4, 1902, adverse to the applicants.

The principal applicant Hattie Myers, is the daughter of Loth L. and Holland Mundell, the former an alleged three-fourths blood Choctaw. Descent is claimed by said principal applicant through her father, Loth L. Mundell, to her grandmother, Melia (or Eliza) Mundell, to her great grandfather, one Alex McClish, alleged to have been a full blood Choctaw Indian.

From an examination of the records it does not appear that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Loth L. Mundell, Melia (or Eliza) Mundell (nee McClish), or Alex McClish, or a less remote ancestor, complied or attempted to comply with the provisions of the 14th article of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

Reporting in the matter March 2, 1903, the Acting Commissioner of Indian Affairs stated:

An examination of the records of this office discloses the fact that the names of the ancestors through whom they claim do not appear among those who complied or attempted to comply with the provisions of the 13th article of said treaty; neither does it appear that they applied to the commissions appointed to adjudicate the claims of those having rights as Choctaw Indians. These being the facts it is respectfully recommended that the decision of the Commission rejecting the applicants, be approved.

The Department is of the opinion, from the testimony submitted, that the applicants have failed to establish their rights to identification as Mississippi Choctaws, and in accordance with the Acting Commissioner's recommendation, a copy of whose report is inclosed, your decision adverse to the applicants is hereby affirmed.

Respectfully,

(Signed)

THOS. HYAM,

Acting Secretary,

1 Inclosure

M.C.R. 5152

COPY

Muskogee, Indian Territory, March 31, 1903.

Mansfield, Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 23rd 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 Hattie Myers, et al., of which decision you were advised by mail on the 4th day of December, 1902.

Respectfully,

(SIGNED)

Jame Bixby
Chairman.

N. O. R. 5172

BY:

Muskogee, Indian Territory, March 31, 1903.

Hattie Myers,

Black Springs, Arkansas.

Dear Madam:

You are hereby notified that on the 23rd day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Nississipi Choctaws of the several persons included in the case of Hattie Myers, et al., of which decision you were advised by registered mail on the 4th day of December, 1902.

Respectfully,

(SIGNED)

James Bixby

Chairman.

Maskógee, Indian Territory, April 21, 1903.

Hattie Myers,
Black Springs, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you state that you are too poor to bring witnesses before the Commission to testify in support of your claim for identification as a Mississippi Choctaw, and ask that the Commission do what is right with your case.

In reply you are informed that the Secretary of the Interior, on March 23, 1903, approved the decision of the Commission refusing your application for the identification of yourself and minor child as Mississippi Choctaws, of which departmental action you were duly notified on March 31, 1903.

The Commission now considers your case closed, and cannot receive or consider further evidence in support thereof.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 12, 1906.

Hattie Myers,

Idabel, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of April 3, 1906, in which you ask if you can get your Mississippi Choctaw case reopened in order that you may introduce further testimony and evidence in support of the same.

In reply you are informed that it appears from our records that on March 23, 1903, the Secretary of the Interior approved the Commission's decision of December 4, 1902, refusing the application made by you for the identification of yourself and minor child as Mississippi Choctaws.

Rehearings in Mississippi Choctaw cases are only granted where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the Choctaw Nation in Mississippi and Alabama in 1830 and heads of families, and, as such, complied or attempted to comply 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

Hattie Myers 2

registered must also be shown, and the conversation or circumstance 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 applicant's ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

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

Respectfully,

Commissioner in Charge.

M.C.R. 5152.

Muskogee, Indian Territory, March 8, 1907.

Hattie Myers,
Welectka, Indian Territory.

Dear Madam:

Replying to your letter of February 13, 1907, stating that you desire to reopen the matter of your application for citizenship as Mississippi Choctaw, you are again advised that on March 23, 1903, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes dated December 4, 1902, refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

You are further advised that said case is now closed, and your attention is directed to that portion of Section 2 of the Act of Congress approved April 26, 1906 (34 Stats., 137), providing in part as follows:

"Provided, That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date:"

Respectfully,

Commissioner.

No. 5152

For Identification as a Mississippi Choctaw.

Date APR 1: 1902

Name Mattie Myers,

Age 32 Blood ~~1/2~~ 3/4

Post Office, Black Springs, Ark

Father: Lot L. Mundell, d.

Mother: Holland " l.

Claims through ^{father} ~~husband~~ part Indj:
John Myers, l. ~~etc~~

No claim for husband

Children:

Julie Estella " 13

Claims for
self and child

Stenographer G. Rosenwiner, Cal.

Choctaw MCR 5153

George H. Power

See MCR 120

MCR 5153

Department of the Interior.
Commission to the Five Civilized Tribes
Muskogee, I.T. April 12, 1902.

5153

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

H. H. Brown, attorney; No appearance.

George H. Power being first duly sworn testified as follows.

Examination by the Commission

- Q What is your name? A George H. Power.
Q P-o-w-e-r? A P-o-w-e-r, Yes, sir.
Q What is your age? A Fifty-five, I was born in forty-six.
Q What is your post office address? A Elmore, Indian Territory.
Q Where did you live before that? A Wise, County, Texas.
Q Where were you born? A Cherokee, County, Texas.
Q Always live in Texas until you came to the Territory? A Yes, sir.
Q father living? A No, sir; my father is dead.
Q Is your mother living? A I suppose she is; she was in bad health though the last time I heard from her.
Q What was your father's name? A Isaac Power.
Q What is your mother's name? A Mary Jane Meredeth.
Q How much Choctaw blood do you claim? A Well sir; my grandmother was claimed to be one-half breed Choctaw.
Q You claim through your father or mother? A My mother.
Q Your mother would be one-quarter then would she not? A Yes, I suppose so.
Q You would be one-half of that? A Yes, sir somewhere about that.
Q You know how much that would be? A No, sir.
Q That would be one-eighth; do 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 Wife living? A Yes, sir.
Q White woman? A She claims to be part Cherokee, perhaps about one-sixteenth may be.
Q What is her name? A Martha Jane Fuller, that was her maiden name.
Q Martha Jane Power now? A Yes, sir.
Q You make any claim for your wife? A No, sir; none at all.
Q Have you any children under twenty-one years of age? A No, sir; I don't believe I have any.
Q claim for yourself alone? A Myself, through my mother and grandmother and great grandmother.
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 under the act of Congress of June 10, 1896? A No, sir.

#2

- Q This is the first application of any kind for citizenship in the Choctaw Nation? A This is my first application; my wife had in one.
- Q As a Cherokee? A As a Cherokee.
- Q You never have been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now want to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A I don't know that I understand article fourteen though I suppose I would.

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. The object of that treaty was to remove all 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 in order to protect the interest of these Indians who remained back in the old Choctaw Nation article fourteen was put into the treaty; that article fourteen reads as follows:

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

- Q You understand that do you? A Yes, I think that covers the case.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A My grandmother said she did,--that she went before an enrolling officer to enroll in order to receive land there.
- Q What was her name? A Winnie West, that was her maiden name understand.
- Q She married whom? A James Meredeth.
- Q Was he a white man? A I don't know; I can't tell you he died when I was small.
- Q You say this was your grandmother? A Yes, sir.
- Q How much Choctaw blood did she have? A I think she claimed one-half or three-quarters; she claimed her mother to be a full blood.

#3

- Q Did Winnie Meredith live in Mississippi or Alabama? A She lived in Mississippi.
- Q Did she live there in 1830? A I think she did.
- Q Did she have a family there then? A Yes, sir.
- Q She was the head of a family there in Mississippi in 1830? A I think so.
- Q Do you know where she lived in Mississippi at that time? A I think perhaps in Pontotoc County. ---it seems to me it was.
- Q How do you know she lived in Mississippi in 1830 and had a family there then? A I heard her speak of it.
- Q Is she living now? A No, sir; she is dead.
- Q How old was she when she died? A I don't know sir.
- Q Do you know when she was born? A No, sir; she has been dead several years; I heard her say but forgot; we moved away from where she lived.
- Q When you gave the name of your mother as Mary Jane Meredith were you giving her maiden name? A Yes, sir.
- Q Her name is Power? A Yes, sir.
- Q How old is your mother? A She don't know her age; she must be somewhere along about seventy-two or three.
- Q Was she born in Mississippi? A I don't know; I am not positive whether she was born in Mississippi or born away from Mississippi.
- Q Did she have an older brother or sister than herself? A I don't think she did; I think she was perhaps the oldest one of the children, that is my recollection.
- Q You don't know whether she was born in Mississippi or not? A No, sir, I am not certain whether she was born in Mississippi or whether they came away from there.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A It is my understanding that Patsy LeFlore owned land there.
- Q Who is she? A That is the mother of my grandmother.
- Q Did Winnie West own any land in Mississippi or Alabama? A I don't know whether she did under this provision or not; I heard my grandmother speak about going before a Commissioner in order to procure land.
- 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 That is what I was telling a minute ago; my grandmother said she did.
- Q Did you hear her say so? A Yes, sir.
- Q Did she tell you anything about what was said or done at that time? A She seemed to think that she did not get any land; she went before the enrolling officer and told him she wanted to stay there and take land there but she did not seem to know what was done with it. I don't think she ever got any land at all.
- Q What was the name of the enrolling officer? A I think it was Colonel Ward.
- Q Do you know the name and the place where he was at that time? A No, sir; I don't know.
- Q Don't know where his office was? A No, sir.
- 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 Why no, none of my ancestors I don't believe that I know of; I don't know just what time grandfather and grandmother left there.
- Q When they did leave where did they go? A They went to Texas.
- Q Stopped in Texas? A Yes, sir.
- Q Did not come to the Territory? A No, sir; they did not come to the territory that I knew of; if they did I don't remember.

#4

- Q You don't know what year that was? A No, sir; I don't know..
- Q Did your grandfather and grandmother die there in Texas? A Yes, sir.
- Q Did any of your Choctaw ancestors own any land or claim and in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not unless it was Patsy LeFlore.
- Q That was your great grandmother? A Yes, now this Patsy LeFlore you understand is my great grandmother's maiden name.
- Q What was her married name? A West.

The Choctaw Indians who stayed in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many 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 their land and the improvements they had on it; 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 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 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 My grandmother did so she said, before Colonel Ward. I don't think she ever got any land; I don't think she claimed to be enrolled; it was in the thirties somewhere but she never received land though; that is my recollection.
- Q You stated a little while ago that she went before Colonel Ward in 1831; I ask now if she went before the Commissions, one appointed in 1837 and one in 1842? A I think not; I think she had left there then and came away.
- Q Did she or any of your Choctaw ancestors get any scrip from the government which entitled them to select land in Mississippi or Alabama, Arkansas or Louisiana, to take the place of land that they had held in the old Choctaw Nation and which the government had taken away from them and sold? A I don't remember hearing her say that she got any scrip.
- Q This scrip was issued under an act of Congress approved August 23, 1842. Have you any witnesses, or any documents or other evidence you want to introduce now? A I have some documents here your honor.

Sworn statement of this applicant, J. H. Power, presented by him, received, filed, marked exhibit "A" and made a part of the record in this case.

Also, another statement made by him under oath, presented at the same time, received, filed, marked exhibit "B" and made a part of the record in this case.

Affidavit of John R. Yarbrough presented by this applicant received, filed, marked exhibit "C" and made a part of the record in this case.

Sworn statement of Reuben A Cantrell presented by this applicant, received filed, marked exhibit "B" made a part of the record in this case.

Sworn statement of Catherine Franklin also presented by applicant, received, filed, marked exhibit "E" and made a part of the record in this case.

- Q Do you speak or understand the Choctaw language? A No, sir; I do not.
- Q Do you want any more time in which to furnish other evidence in this case? A Well if it is necessary for more evidence it might be well enough for you to let it open for a space of time.
- Q How much time do you want? A Would I have to come to bring evidence.
- Q Well you want to get it before the Commission some way? A---
- Q Thirty days? A Yes, thirty days.

Thirty days time will be allowed.

- Q A I might want to put in some more evidence.

For the introduction of further testimony in support of this claim.

- Q Have you any relatives who have been here before the Commission? A Yes, sir.
- Q What relatives have you who have been before the Commission? A My cousin.
- Q What is her name? A Elizabeth Hight
- Q This is not an application by one claiming to be a Mississippi Choctaw but is a Court Judgment, is it not? A It is a Court Judgment.
- Q Have you any relatives who have appeared here as Mississippi Choctaws? A I have a couple of second cousins, Mollie Crittenden and William Cochran.
- Q Have they applied as Mississippi Choctaws? A I think so sir.

Reference is here made to Mollie Crittenden, M.C.R. 120.

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

This applicant has the appearance of being descended from White parentage; fair complexion; gray eyes; his hair is rather gray; he says his hair was 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 12, 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 5th day of May 1902.

G. Rosenwinkel
Notary Public.

Miss. Ghoctaw 5153

Muskogee, Indian Territory, April 22, 1908.

G. W. Power,

Elmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 18, asking for the rules governing the taking of testimony in support of applications for identification as Mississippi Choctaws. You also ask to be advised in what points you need evidence in support of your claim, in order that you may have your witnesses examined on these matters.

In reply to your letter you are advised that the Commission prefers, wherever it is possible, to examine witnesses introduced in support of applications for identification as Mississippi Choctaws, in person, but if you cannot secure the attendance of witnesses because of nonresidence or on any other ground, which, under the rules of the Commission would constitute inability, their depositions will be considered when taken in accordance with the rules and regulations governing the taking of depositions in support of applications for identification as Mississippi Choctaws, a copy of which is inclosed

G.N.P. 2

herewith for your information.

You are advised that the Commission cannot take up the evidence offered in support of applications for identification and pass upon the sufficiency of the same until the cases are taken up for final consideration and determination.

Yours truly,

Acting Chairman.

Rules for taking
depositions.

Miss. Choctaw 5158

Muskogee, Indian Territory, May 13, 1902.

G. H. Power,

Elmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 7, in which you ask for an extension of time within which to file evidence in your case as you say you have been sick, and unable to secure the same.

In reply to your letter you are advised that in accordance with your request, an extension of time will be granted you until June 11, 1902, within which to offer such evidence as you desire in support of your application.

Yours truly,


Acting Chairman.

M.C.R. 5153

Muskogee, Indian Territory, June 18, 1902.

Messrs. Thompson & Brown,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:-

Enclosed please find commission to take the deposition of Catherine Franklin to be used in evidence in the matter of the application of George H. Power, et al., for identification as Mississippi Choctaws pending before the Commission to the Five Civilized Tribes. You will find attached thereto direct and cross interrogatories, also a caption and certificate to be filled out by the officer before whom this deposition is taken. Upon receipt of same you will have them placed in the hands of an officer authorized by law to take depositions and upon the completion of the taking thereof, return same to the Commission, in order that this case may be brought to a final determination at as early a date as possible.

Yours truly,

Enclosure
G. H. 4

COMMISSIONER IN CHARGE.

M.C.R. 5153

Muskogee, Indian Territory, June 18, 1902.

Messrs. Thompson & Brown,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:-

Enclosed please find commission to take the deposition of John R. Yarberough to be used in evidence in the matter of the application of George H. Power, et al., for identification as Mississippi Choctaws pending before the Commission to the Five Civilized Tribes. You will find attached thereto direct and cross interrogatories, also a caption and certificate to be filled out by the officer before whom this deposition is taken. Upon receipt of same you will have them placed in the hands of an officer authorized by law to take depositions and upon the completion of the taking thereof return same to the Commission, in order that this case may be brought to a final determination at as early a date as possible.

Yours truly,

G. H. S.

Enclosure
G. H. S.

M O R 5153.

Muskogee, Indian Territory, August 9, 1902.

George H. Power,

Elmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th inst., in which you state it is your desire that your case be tried and investigated separately from any other case.

In reply, you are informed that under instructions from the Secretary of the Interior the cases of all applicants to this Commission for identification as Mississippi Choctaws claiming descent from the same common ancestor are consolidated and considered as one case. Your case has been consolidated and will be considered together with the cases of Mollie Crittenden and certain other persons, applicants to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor, Patsy LaFlora.

The Commission is now considering the applications of the several persons included in this consolidated case, and it is probable a decision will be rendered in the near future.

The several interested applicants will be duly notified

O R P 3

of such opinion, and of the forwarding of the record to the
Secretary of the Interior for review.

Yours truly,

Acting Chairman.

Miss. Choctaw 5153

Muskogee, Indian Territory, October 28, 1902.

George H. Power,
Elmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 25, asking if the Commission desires proof of your marriage, and if so, you would like a continuance for the purpose of securing the same, as you will have to secure affidavits of witnesses to your marriage, the original record of the same having been destroyed.

In reply to your letter you are advised that several continuances have heretofore been granted you for the purpose of introducing evidence in your application for identification as a Mississippi Choctaw, and the Commission now has your application under consideration, and it is probable that a decision will be reached in the near future, of which decision you will be duly notified. No further continuance can therefore be granted in this case.

Respectfully,

Commissioner in Charge.

COPY

Muskogee, Indian Territory, February 11, 1903.

George H. Power,
Elmore, Indian Territory.

Dear Sir:

You are hereby advised that on the 11th day of February, 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mollie Crittenden, et al., embracing the following applications for identification as Mississippi Choctaws:

Mollie Crittenden, et al.,	M.C.R. 120
William Cockrell,	M.C.R. 118
George H. Power,	M.C.R. 5153
Thomas J. Power,	M.C.R. 6296
Nancy J. Sensibaugh, et al.,	M.C.R. 6297
Samuel H. Power,	M.C.R. 6300
David L. Power,	M.C.R. 6301
John R. Power,	M.C.R. 6298
Addie Power,	M.C.R. 6299

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 Mollie Crittenden, Earnest Crittenden, Grace Crittenden, Homer Crittenden, Blanche Crittenden, Lavois Crittenden, Lloyd Crittenden, William Cockrell, George H. Power, Thomas J. Power, Nancy J. Sensibaugh

Ferdinand H. Sensibaugh, Martha Truel Sensibaugh, Lillian Ellen Sensibaugh, Samuel H. Power, David L. Power, John R. Power and Addie Power as Choctaw Indians entitled 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,

Yours truly,

Tame Pixby.
Acting Chairman.

Registered.

COPY.

M.C.R. 5153

Muskegee, Indian Territory, August 10, 1903.

George H. Power,

Elmore, Indian Territory.

Dear Sir:

You are hereby notified that on the 16th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mollie Crittenden, et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

(S)

T. B. Needles.
Commissioner in Charge.

M C R 5153

Muskogee, Indian Territory, October 21, 1903.

George H. Power,
Elmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, by reference from the Secretary of the Interior. Therein you ask "Are you in possession of direct Interrogatories and Cross Interrogatories which was duly filed with the Daws Commission the questions propounded by J. P. Gibson a Notary Public of the Town of Elmore Indian Territory Southern district?"

In reply you are informed that it appears from our records that the depositions of John Yarborough and Catherine Franklin, taken before J. P. Gibson, were filed with this Commission in support of your application, which is a part of the consolidated Mississippi Choctaw case of Mollie Crittenden, et al., and you are further informed that all papers in said consolidated case are now in the hands of the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

No. 5153

For Identification as a Mississippi Choctaw.

Date APR. 12, 1902.

Name George H. Power

Age 55 - Blood 1/8

Post Office, Elmore, L.P.

Father: Isaac Power, d.

Mother: Mary Jane ^{POWER.} ~~Meredith~~
(MEREDITH)

Claims through mother -
wife,

Mattha Jane Power, L.P. & (W. & C. Chance)

No claim for wife.

~~XXXXXX~~

Claims for self
alone

Stenographer *R. R. ...*

Choctaw MCR 5154

David H. Jones

MCR 5154

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

In the matter of the application of David H. Jones, et al., for identification as Mississippi Choctaws, M. C. R. 5154.

List of papers forwarded to the Secretary of the Interior, comprising the record in the case of David H. Jones, et al.

	Page.
Original application of David H. Jones, et al., before the Dawes Commission for identification as Mississippi Choctaws	1
Certified copy of marriage record of David H. Jones and Maggie Winn	6
Decision of the Commission refusing the application of David H. Jones, et al., for identification as Mississippi Choctaws	7

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 12, 1902.

5154

In the matter of the application for identification as Mississippi Choctaws of David H. Jones, for himself and his two minor children, Scotty Beatrice and Josie Jones.

Applicants not represented by attorney.

David H. Jones being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A D. H. Jones, David H. Jones.
Q What is your age? A Fifty, I will be my next birthday.
Q Forty-nine? A Yes, sir.
Q What is your post office address? A Wynnewood, at present I am in school-work there.
Q Indian Territory? A Yes, sir.
Q How long have you lived in Indian Territory? A Only this year.
Q Where did you live before that? A In Southern Texas.
Q Where were you born? A In Fayette, Mississippi.
Q What part? A In the Northern part of Mississippi.
Q Fayette County? A Yes, sir.
Q How long did you live in Mississippi? A I was only about, ----
I don't suppose over two or three years old when I left there.
Q Then went to Texas? A Yes, sir.
Q Lived there until you went to the Territory? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir; she died about three months ago.
Q What was your father's name? A John Jones.
Q What was your mother's name? A Amelia Jones.
Q You claim through your father or mother? A Through my mother.
Q How much Choctaw blood do you claim? A My mother, --my grandmother, I claim that she had about three parts.
Q How much? A Her mother was half, and her father was whole.
Q How much do you claim? A I claim about three-quarters.
Q You claim three-quarters? A Yes, sir; the way I count it. My grandmother was half and my grandfather being whole.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q What was your father's blood? A He was more African than anything else.
Q Negro and White? A Yes, sir.
Q Was he a slave at any time? A Yes, sir.
Q How much Choctaw blood do you say your mother had? A My mother was only about three-eighths I think.
Q How much do you claim three-sixteenths? A Yes, sir.

#2

- Q Not three-fourths? A No, sir not three-fourths myself.
- Q Has she any colored blood? A Yes, sir.
- Q Was she a slave at any time? A Yes, sir.
- Q Where? A In Mississippi and then in Texas.
- Q Are you married? A Yes, sir.
- Q Were your father and mother legally married? A Yes, sir.
- Q What is your wife's name? A My present wife is named Pinky Jones and my first wife was named Maggie Jones; she was the mother of these children?
- Q Is she dead? A Yes, sir.
- Q Was she a Negro? A Yes, sir.
- Q She is the mother of your children is she? A Yes, sir.
- Q Have you any children by your second wife? A No, sir.
- Q What is your present wife's name? A Pinky E. Jones.
- Q She is living? A Yes, sir.
- Q Negro? A Yes, but not a full blooded Negro, she is mixed.
- Q You don't make any claim for her do you? A No, sir.
- Q How many children have you under age and unmarried? A Two under age and one unmarried that is over age.
- Q Give me the name of the oldest child under age and unmarried? A Scotty Beatrice Jones.
- Q Girl? A Yes, sir.
- Q How old is Scotty? A Scotty is sixteen.
- Q Next? A Josie Jones.
- Q How old? A Fifteen.
- Q Is that all? A Yes, that is all.
- Q Your first wife is the mother of these two children? A Yes.
- Q Are they living with you at home? A Yes, sir.
- Q When and where were you married to your first wife Maggie? A Bryant, Texas.
- Q What is the date? A 28th of January.
- Q What year? A Seventy-eight.
- Q By a minister and under a license? A Yes, by a minister.
- Q Have you proof of the marriage with you now? A No, sir, not with me now.
- Q If you were given a little time can you produce it? A Yes, I can produce it.

A reasonable time will be allowed you for that purpose.

- Q Is your name or the names of either of these 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; never made any before.
- 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, 1906? A No, sir.
- Q You never made application, did you, to any authority, either the Choctaw or governmental either for the enrolment of yourself or your children before this? A No, sir.
- Q You never have 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 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 don't know that I fully understand it; I guess not.

The treaty of 1830, some times called the treaty of Dancing Rabbit Creek, was entered into between the United States government and the Choctaw Indians in Mississippi at Dancing Rabbit Creek, on the 27th day of September, 1830. The object of that treaty was to remove all the Choctaw Indians who lived in 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 interest of these people article fourteen was put into the treaty of 1830. 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 now so that you can claim under it? A Yes, sir.
- Q You think you understand the purpose of it, 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 Great grandfather was named Edward Shobeke.
- Q Spell it? A S-h-o-b-e-k-e
- Q Did he or any of your Choctaw ancestors comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830? A I could not tell you.
- Q Did he live in Mississippi? A Yes, sir.
- Q Did he live there in 1830 and have a family there at that time? A I was not born then.
- Q What do you know about that? A My parents gave me that information as to my grandparents and the man who took us off to Texas.
- Q Were you a slave before the War? A Yes, sir.
- Q What did your parents tell you about Edward Shobeke living in Mississippi in 1830? A They claimed that he was their grandfather.
- Q My question is what did they tell you about him living in Mississippi in 1830? A They did not say anything about 1830 to me.
- Q You never heard that? A No, sir.
- Q Do you know whether any of your Choctaw ancestors lived in Mississippi in the old Choctaw Nation in 1830 and was the head of a family there then? A From personal knowledge I do not.
- Q Did you ever hear it? A Only through my parents.
- Q Did you ever hear through them? A Yes, sir.
- Q I have asked you that question three or four times and this is the first time you have answered it; which parent told you that Edward Shobeke lived in Mississippi and was the head of a family there at that time? A My mother and my aunt.

#4

- Q How much Choctaw blood did Edward Shobeke have? A Claimed to be full blood by my parents.
- Q Did he speak the Choctaw language? A I could not say of my own knowledge; they said he was a full blood I suppose he did.
- Q Did you ever hear that he did from members of the family? A Yes, sir; my mother and my aunt gave me all the information that I have?
- Q I wish you would answer the questions? A No, sir; I did not.
- Q Did any member of your family tell you that Edward Shobeke spoke the Choctaw language? A No, sir.
- Q How old would he be if living now? A We might be one-hundred years old.
- Q Do you know where he was born? A No, sir.
- Q He was aslave washe? A No, sir; he was not.
- Q How is it your father and mother became slaves? A I could not tell you, I only know that the man we was living with took us up, me mother and my sunt and ran off, first went to Georgia and could not stay there and then went back to Mississippi and from there to Texas.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A From my own knowledge I don't know.
- Q Did you ever hear say? A Only my parents said they owned some property.
- Q You know what these improvements were? A No, sir.
- Q You know who owned them? A No, sir.
- 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 sir.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 tell the United States Indian Agent Colonel Ward 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 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 of my own knowledge.

The Choctaw Indians who remained in the old Choctaw Nation East of the Mississippi River after the other Indians had gone to the 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 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 them both; the government took them and sold them at its public land sales. This caused a great many complaints and as the result of these complaints Congress appointed a Commission under an act approved March 3rd of that year. This Commission went to Mississippi and heard claimants under that article of that treaty. In 1842 another Commission was appointed by Congress for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of that treaty.

#3

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.

The act of Congress approved August 23, 1842 provided that if an Indian proved his claim under article fourteen of the treaty of 1830, and if he also showed that he had had land in Mississippi taken from him by the government and sold that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians? A Not that I know of.
- Q Have you had any relatives who have been before the Commission to be identified as Mississippi Choctaws? A No, sir.
- Q Have you any other evidence you want to introduce now? A No, sir.
- Q You want any time? A Yes, in case we need any witnesses I want some.

A reasonable time will be allowed this applicant in which to introduce other testimony if he desires in support of this application and also to produce proof of his marriage with his first wife.

- Q Do you speak the Choctaw language? A No, sir.
- Q Have you any white blood? A I have some through my father; he was a mixed blood.

This applicant has the appearance and physical characteristics of being descended from white and Negro parentage. He claims some Indian blood and says it is Choctaw. The quantity of Indian blood and whether he has any at all is a question that cannot be determined by the Commission from his appearance. His father and mother and himself were all slaves at one time. 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 12, 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 6th day of May 1902.

Rosenwinkel
[Signature]
Notary Public.

had.
O.W.

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

In the matter of the application of David H. Jones, et al., for identification as Mississippi Choctaws, N. C. R. 5184.

--: 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 David H. Jones for himself and his two minor children, Betty Beatrice and Jessie Jones, under the following provision of the act of Congress approved June 23, 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 Edward Choctaw, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen

hundred and thirty.

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

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Edward Shebake, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of David H. Jones, Scotty Beatrice Jones and Josie Jones as Choctaw Indians entitled 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 NEW CIVILIAN VIGIL,

(SIGNED) Jame Bixby.
SPECIAL AGENT.

(SIGNED) J. B. Needles.
SPECIAL AGENT.

(SIGNED) J. B. Breckinridge.
SPECIAL AGENT.
Muskogee, Indian Territory,

DEC 6 1902

Muskogee, Indian Territory, August 1, 1902.

David H. Jones, *Remanded to Bastrop, Texas 9/8*
Wynnewood, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th inst., in which you state that the witnesses whose evidence you desire in support of your application, live at Bastrop, Texas. You ask if their evidence can be taken by an attorney, and if the Commission can furnish you blanks for that purpose. You enclose certified copy of marriage record between David H. Jones and Maggie Winn.

It appears from the records of the Commission that you are an applicant for the identification of yourself and minor children as Mississippi Choctaws. The certified copy of the marriage record has been filed with the record in your case.

The Commission has no blanks of the description asked for and is averse to accepting affidavits in support of applications for identification as Mississippi Choctaws, but desires whenever possible to examine witnesses in person. In the event that your witnesses are incapacitated from appearing in person by reason of old age or infirmity, their depositions will be considered, provided

D H J _____

same are taken 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 which rules is herewith enclosed you.

You are further advised that you will be allowed fifteen days from the date hereof, within which time to introduce additional evidence in support of your claim.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, September 15, 1902.

David H. Jones,
Bastrop, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you state that your witnesses are unable to appear before the Commission on account of old age and sickness. You ask that the Commission appoint some one before whom they may appear and give their testimony.

In reply your attention is invited to sections B, C, D and E of Rule 2, and Rules 3, 4, 5 and 6 of the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules were mailed you with our letter of August 1, 1902.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, Sept. 25, 1902.

David H. Jones,
Bastrop, Texas.

Dear Sir:-

The Commission is in receipt of your communication of September 23, 1902, wherein you state that you desire to have the depositions of certain witnesses taken in behalf of your application for identification as a Mississippi Choctaw. On August 1, 1902, the Commission mailed you a copy of its rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, to which your attention is now invited, especially to sections B, C, D and E of Rule 2, and to Rules 12 and 13. Before a commission will be issued for the taking of depositions in Mississippi Choctaw cases the rules and regulations above referred to must be strictly complied with.

In compliance with your request that the names of the attorneys for the Choctaw and Chickasaw Nations be furnished you, you are informed that Messrs. Mansfield, McMurray & Cornish Attorneys at Law, South McAlester, Indian Territory, are said attorneys.

The document forwarded by you wherein you request to have

David H. Jones-----2

the depositions taken in support of your application, is herewith returned to you for the reason that it is not in proper form.

Yours truly,

Acting Chairman

Enc. G.H. 124

Miss. Choctaw 6154.

Muskogee, Indian Territory, October 10, 1902.

Robert A. Brooks,
Attorney at Law,
Bastrop, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 5, enclosing affidavit of David H. Jones and interrogatories to be propounded to witnesses in the matter of the application for identification as Mississippi Choctaws of David H. Jones et al., and the same are herewith returned to you for the reason that no proof of service of the interrogatories on the attorneys for the Choctaw and Chickasaw Nations is shown, and your attention is invited to section (c), Rule 2 of the rules and regulations governing the taking of depositions in support of applications for identification as Mississippi Choctaws. For your assistance, you are advised that Mansfield, McMurray & Cornish, of South McAlester, Indian Territory, are the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

AD
Rules for taking depositions.

Miss. Choctaw 5154

Muskogee, Indian Territory, October 30, 1902.

Robert A. Brooks,
Attorney at Law,
Bastrop, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 18, asking whether or not Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, will accept service of notice for taking depositions in the matter of the application for identification as Mississippi Choctaws of David H. Jones, et al., or waive the same, and if not, how such service can be secured. You also ask what you shall do with the affidavit of David H. Jones, setting forth his reasons for taking the depositions of witnesses instead of presenting them in person.

In reply to your letter you are advised that the Commission can give you no information relative to the waiving or acceptance of notice to take depositions. This is a matter which would necessarily be arranged between yourself and the attorneys for the Choctaw and Chickasaw Nations. If they refuse to accept or waive service of the notice, you will probably be able to secure personal service of same by sending the papers to the United States Marshal for the Central District of the Indian Territory, South McAlester, Indian

R.A.B. 1

Territory for the purpose of securing personal service upon Hansfield, McMurray & Cornish. The affidavit of David K. Jones should be returned to this office with the application to take depositions.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, November 12, 1902.

Robert A. Brooks,
Attorney at Law,
Bastrop, Texas.

Dear Sir:-

The Commission is in receipt of your communications of November 8 and 9, 1902, wherein you forward to this Commission the affidavit of David H. Jones setting forth his reasons for desiring to have certain depositions taken in support of his application for identification as a Mississippi Choctaw, also a copy of the interrogatories to be propounded to said witnesses. These documents are returned to you for the reason that the Commission requires that a separate set of interrogatories be prepared for each witness whose deposition it is desired to have taken. This is done for the reason that a separate commission is issued for the taking of each deposition, which necessitates a set of interrogatories in each case.

It is noted in your communication of the 9th inst. that you have sent a copy of the interrogatories to the United States Marshal at South McAlester, Indian Territory. to be served upon Mansfield, McMurray & Cornish. In this regard your attention is directed to Rule 13 of the Rules and Regulations governing the

Robert A. Brooks--- -----2

procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws. This rule provides that proof of service of copies of the interrogatories upon the attorneys for the Choctaw and Chickasaw Nations be made and states how same shall be made. It is suggested that you have duplicates made of the interrogatories to be propounded to each witness, that you send both the original and the duplicate to the United States Marshal at South Ma. Alester, instruct him to serve the copy on the attorneys for the Choctaw and Chickasaw Nations, make proof of said service on the back of the original, and return same to you, upon receipt of which you can send same, together with the affidavit of the applicant, to this Commission and if in due form a commission will be issued after the required time has elapsed for the filing of cross interrogatories by the Choctaw and Chickasaw Nations.

A copy of the Rules and Regulations above referred to is herewith enclosed you. These rules must be strictly complied with before a commission will issue.

Respectfully

Acting Chairman

Enclosure
G.H. 62

Rules and Regulations

Muskegee, Indian Territory, December 6, 1902.

David H. Jones,
Wynnewood, Indian Territory.

*Missouri, Eastwp - Texas
July 14, 1903*

Dear Sir:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of David H. Jones, 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 David H. Jones, Scotty Beatrice Jones and Josie Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

-2-

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

Respectfully,

James Dixby

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 6, 1902

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of David H. Jones, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 493).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of David H. Jones, Scotty Beatrice Jones and Josie Jones as Choctaw Indians entitled 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,

Acting Chairman.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of David H. Jones, 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.

Acting Chairman.

Enc.: M.C.R.5154.

(COPY)

Refer in reply to the following:

Land - 76231--1902.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, March 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of David H. Jones, for himself and his two minor children, Scotty Beatrice and Jessie Jones, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification under this application, on their descent from Edward Shobeke, who it is alleged was a Choctaw Indian and a resident in the Choctaw Nation, in Mississippi in 1830, through Amelia Jones, his great granddaughter.

The Commission rejected the applicants December 6, 1902, because the name of their ancestor through whom they claim does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw

2.

treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office discloses the fact that the names of Edward Shobeke and Amelia Jones do not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty; neither does it appear that they applied to the commissions appointed to adjudicate the claims of those having rights as Choctaw Indians.

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

Very respectfully,

A. C. Tonner,

Acting Commissioner.

C.T.G. (E.)

(COPY)

D.C. 9005-1903
I.T.D. 2554-1903.

DEPARTMENT OF THE INTERIOR,

EAF.

Washington, March 28, 1903.

L.R.3.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of David H. Jones and his minor children, Scotty Beatrice and Josie Jones, including your decision of December 6, 1902, refusing the application.

The applicants endeavor to trace their descent from Edward Shobeke, alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830, and from Amelia Jones.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting March 2, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his

2.

letter is inclosed.

Having carefully considered the whole record, the Department affirms the decision rendered.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Maskogee, Indian Territory, April 7, 1903.

David H. Jones,
Eustrop, Texas.

Dear Sir:

You are hereby notified that on the 28th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of David H. Jones, et al., of which decision you were advised by registered mail on the 6th day of December 1902.

Respectfully,

SIGNED.

C. R. Breckinridge.
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, April 7, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby notified that on the 28th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of David H. Jones, et al., of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

SIGNED:

C. R. Breckinridge.
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

12

1900

Name David H. Jones.

Age 49 Blood ~~3/4~~ 3/16

Post Office, Wymewood, I.T.

Father: John Jones, d

Mother: Amelia " d

Claims through mother
wife (1)

Maggie Jones, (d) neg.
2 Mother of children

wife (2) Pinky E. Jones, l. neg.

No claim for wife (2)

Children: (F)

Scotty Beatrice Jones, 16
(F)

Tosie " 15

Claims for self
and 2 children

Choctaw MCR 5155

Marris Marris

See MCR 215

MCR 5155

5155

Department of the Interior,
Commission to the Five Civilized Tribes,
Beale, Mississippi, April 4, 1902.

In the matter of the application of Marris Marris for identification as a Mississippi Choctaw, represented by his father, Dibbin Marris.

Dibbin 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 Dibbin Marris.
Q How old are you Dibbin? A Sixty.
Q What's your post office address? A North Bend.
Q Neshoba County, Mississippi? A Yes.
Q How long have you lived in Neshoba County? A I lived always; raised there.
Q How much Choctaw blood have you? A Half.
Q Are you the Dibbin Marris who appeared before the Commission at Meridian, Mississippi on the 6th day of May June last year and made application for yourself and minor children, Wench, Steve, Nancy, Missy, Mat and Liss, as Mississippi Choctaws? A Yes.
Q Have you a boy living who is of age, but who is an invalid and unable to walk? A Yes.
Q What's his name? A Marris Marris.
Q About how old is he? A I think about thirty.
Q How much Choctaw blood has he? A Three quarters.
Q He lives with you? A Yes.
Q His post office is the same as yours? A Yes, sir.
Q Is his mother living? A Dead.
Q What was her name? A Jennie.
Q Was she a full blood Choctaw? A Her daddy was half white and half Choctaw.
Q She was three quarters, then? A Yes.
Q Then, Marris is five eighths instead of three quarters? A Yes.
Q How old would Jennie be if she were living now? A About sixty I think.
Q Did she live here in Mississippi all her life? A Yes.
Q Is her father living? A Dead.
Q What was his name? A Robert Bell.
Q He was one-half Choctaw and one-half white? A Yes.
Q Do you know the name of his father or his mother? A I don't know the given name - just Bell.
Q He was a white man? A Yes.
Q Do you know the name of Robert's mother? A I don't know.
Q Did Robert live in Mississippi all his life? A Yes.
Q How old would he be if he were living now? A He would be about eighty years old.
Q You think he couldn't be any older than that? A Maybe he would be something over eighty years old; I can't tell exactly.
Q Did he have a Choctaw name? A No.

Marris Marris, 2.

- Q Do you know the name of your wife's mother's mother? A No, I can't think of her name. I have heard them, but can't think of them.
- Q Is your mother living? A No, died.
- Q What was her name? A My mother had two names, one an English name and a Choctaw name, and when I appeared before the Commission in June I gave in her English name, Sallie; I didn't remember at that time her Choctaw name but since that I have learned her Choctaw name, which is Fil-e-tah-ho-nah.
- Q Do you know the name of Fil-e-tah-ho-nah's father or mother? A Yes, her father's name was Ah-to-ble-cha.
- Q Do you know the name of any one of Fil-e-tah-ho-nah's brothers or sisters? A No.
- Q Is your son Marris married? A No.
- Q Has he ever been married? A No.
- Q Always lived at home with you? A Yes, been there all the time.
- Q Has any application of any description ever been made in his behalf for the purpose of establishing his rights as a Choctaw Indian? A 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 Marris Marris as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw Card, Field Number 215; 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, claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Number 746 thereon.

- Q Is that application the only application of any description that has ever been made for this boy? 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 provisions of the 14th article of the treaty of Dancing Rabbit Creek for this child, do you? A Yes.
- Q Do you understand that 14th article? A Yes.
- Q Did any of the ancestors of this boy 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, in the year 1830, when this treaty was made? A I don't know.
- Q Any of them live here at that time? A I don't know.
- Q 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 know; one of my uncle's sons went out there at the time of the removal out there.
- Q What was his name? A Ah-ne-sa-choe.
- Q Did he live out there the rest of his life? A Yes, he left here and went out there, and lived out there; never did come back.

Marris Marris, 3.

Q What was his father's name? A Ah-to-ble-cha.

Q He was your grand father, wasn't he? A Yes.

Q Then, it was your uncle, and not your uncle's son, who went out there? A Yes, I was mistaken.

Q Did any of the ancestors of Marris Marris within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaw know that they wanted to stay here in Mississippi 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 Never heard if they did.

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 on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had ~~map~~ improvements, and which they supposed they would receive under the 14th article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointments 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 in the year 1837, and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, they were unable to dispose of but a comparatively small number of cases, so another Act was passed which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, and they heard some more cases under that Act of Congress. These commissioners appointed under these two Acts of Congress were unable to dispose of but a comparatively small number of cases, so it became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of other commissioners to come down here to Mississippi and finish up this work. These commissioners were duly appointed by the President of the United States, and they came down here to Mississippi in the years 1842, 3 and 4 and 5, and heard a great many of these Choctaw cases.

Marris Marris, 4.

Q Did any of the ancestors of this boy, Marris, 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 if they did.

Q

On pages 317 and 317 of Volume One of the Record of the Court of Claims in case number 12742, entitled, "The Choctaw Nation of Indians versus the United States", appears a list of ninety-nine cases adjudicated by the Commissioners appointed under the Act of Congress Approved March 3, 1837. All the claimants in this case were found by said commissioners to have complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek and, therefore, entitled to benefits thereunder. The decision of said commissioners was affirmed by the Secretary of War, and was on the 25th day of May approved by President John Tyler. In said list appears the case of Robert Bell, it appearing that at the time the treaty was made, he lived on the northwest quarter of Section four, Township twelve, Range twelve.

It is impossible from the testimony of Dibbin Marris to determine definitely whether this is the Robert Bell, who was the father of his wife, Jennie Marris.

- Q Did your wife ever have any brothers or sisters older than she?
A Wash Bell is older than she.
Q Is he living now? A Yes.
Q About how old is he now? A I expect he about seventy years old.
Q Did she have any other brothers or sisters older than she was?
A Yes.
Q Were any of them older than Wash Bell A I reckon Sabelia.
Q How much older than Wash was she? A About two years older.
Q How long has she been dead? A About thirty years.

On page 566 of Volume one of the Record of the Court of Claims, in case number 12742, entitled, "The Choctaw Nation of Indians versus the United States," in Abstract number five, being a list of claims favorably adjudicated by commissioners appointed under the Act of Congress approved August 23, 1842, appears the case of Ah-to-ble-cha, being number 266, it appearing that at the time the treaty was made, he had living with him four children over ten years of age, namely, Cun-e-ah-hu-mah, Ok-le-mo-nah, Ho-sa-kah, and Fil-e-tah-ho-nah; that at the time the treaty was made, he lived on the southwest quarter of Section twenty six, Township twelve, and Range thirteen. The decision of the commissioners was affirmed on the 23rd day of July, 1845, by the Secretary of War. It seems probable from the testimony of the applicant that the Ah-to-ble-cha referred to in this case was his mother's father.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided

Marris Marris, 5.

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 the ancestors of this boy, Marris Marris, ever get any of this scrip from the Government of the United States under this Act of Congress? A No, I never heard that he did.
- Q Did you ever see, or hear of, any deed or patent issued to any of the ancestors of this boy covering land here in Mississippi received from the Government? A Never did see or hear of any deed, but Marris' grand pa got some land from the Government.
- Q What was his name? A Robert Bell.
- Q Where did he get that land? A I don't know where he got this land, but the land is across the River, and Wash Bell lives on it.
- Q How much of this land is there? A I don't know how much land that he got, but they have sold all but a little now that they are living on.
- Q Did you ever hear that it was a piece of land a mile square? A Somewhere's in the neighborhood of that.
- Q Is that in Neshoba or Winston County? A Neshoba.
- Q It has been in the family ever since Robert Bell got it? A Yes.
- Q Do you know when he got it? A No, I don't know when he got this land.
- Q Was it before you were born? A Somewhere's along there that he got this land from the Government; I didn't know it until after I was married and I heard my wife's people talking about it.
- Q Do you know whether he got it under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir, I reckon so.
- Q Do you know the numbers of the land? A No.
- Q Do you know of any old person living who would likely know whether any of the ancestors of Marris, your son, 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 anyone who would know more about the Choctaw names of his ancestors than you know? A No, I don't know.
- Q Don't you think Wash Bell might know something about it? A Yes, I think he would; he is right smart older than I am.
- Q Do you think you could get him to come down here? A No; Pearl River is higher than it has ever been before, and bridges are washed out, and no one will be able to cross for a week or ten days if it doesn't rain any more.
- Q Wash hasn't been before the Commission within the last year, has he? A Not as I know of.
- Q Any further statements you want to make in connection with this application? A No.

Marris Marris, G.

and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter. He associates entirely with the Choctaws, and his habits and customs are the same as those of a full blood Choctaw.)

R. E. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Seale, Mississippi, on the 4th day of April, 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 Meridian, Mississippi,
this 14th day of April, 1902.

R. E. Streit
L. B. Moseley
Clark U.S. Circuit Court,
Southern District of Mississippi,

By

J. P. ...

Deputy.

Admors, I. T. February 16, 1908.

To The Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

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

Wauwarris

*Wauwarris
Mick*

~~Sam Bell~~

M.C.R. 2562
* * * 2933
* * * 5028
* * * 8155

Muskogee, Indian Territory, October 14, 1903.

Dibben Marris,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter without date, asking the status of your application and the application of Coleman Morris, Morris Morris and Edmund Bell.

In reply to your letter, you are informed it appears from our records that Dibbin Marris and Coleman Marris are applicants to this Commission for the identification of themselves and their families as Mississippi Choctaws, and Elan Bell and Marris Marris are applicants for identification as Mississippi Choctaws. The Commission has not yet passed upon these applications for identification as Mississippi Choctaws. As soon as decisions are reached the applicants will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

M C R 2562
M C R 2027
M C R 2933
M C R 5155 ✓

Muskogee, Indian Territory, January 16, 1904.

Dibbin Marris,

In care of W. P. Poland,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you ask the status of the Mississippi Choctaw applications of the following named persons:

Dibbin Marris
Jas. Marris
Marris Marris

Coleman Marris
Edleman Bole
Fannie Reed

In reply you are informed that it appears from our records that Dibbin Marris, Coleman Marris, Jim Marris and Marris Marris are applicants to this Commission for the identification of themselves and families as Mississippi Choctaws, but as yet their rights to such identification have not been passed upon. When decisions are rendered in these cases the applicants will be duly notified of the action of the Commission.

It does not appear from our records that any persons by the name of Edleman Bole and Fannie Reed are applicants to this Commission for identification as Mississippi Choctaws.

Respectfully,

Chairman.

COPY.

M.C.R. 5155

Muskogee, Indian Territory, September 27, 1904.

Marris Marris,

Ardmore, 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 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-

M. E. 2

Chickasaw country, at the earliest practicable date.

Respectfully,

(SIGNED)

Tame Blaby.

Chairman.

Registered.

Incl. M.C.R. 5155.

For Identification as a Mississippi Choctaw:

Seale, Miss. Date : : 190.

Name: Marris Marris

Age 30 Blood ~~3/4~~ 5/8

Post Office, North Bend, Miss.

Father: Dibbin Marris

Mother: Jennie " 3/4 d

Claims through

Children:

Miss [unclear] [unclear]

mother's father Robert Bell 1/2 d

Stenographer

R. S. Street

Choctaw MCR 5156

Wash Bell

See MCR 5157, 5158, 5159
5166, 5168

MCR 5156

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

-oOo-

In the matter of the application of Wash Bell, et al., for
identification as Mississippi Choctaws.

., -oOo-

Herein is the record in the matter of the application of
Wash Bell, et al., for identification as Mississippi
Choctaws, M.C.K. 5156.

-oOo-

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

-oOo-

In the matter of the application of Wash Bell, et al., as
Mississippi Choctaws, H.C.R. 5156.

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

	(Page)
Original application of Wash Bell, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission identifying Winnie Bell as a Mississippi Choctaw-----	6

-oOo-

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

In the matter of the application of Wash Bell, et al., for
identification as Mississippi Choctaws, consolidating the applica-
tions of--

Wash Bell, et al.,	M.C.R. 5156.
Lula Bell,	M.C.R. 5157.
Edna Bell,	M.C.R. 5158.
Albert Isom, et al.,	M.C.R. 5159.
Sallie Bell, et al.,	M.C.R. 5168.
Jane Bell,	M.C.R. 5166.

I N D E X .

	page
Original application of Wash Bell, et al., before the Dawes Commission for identifica- tion as Mississippi Choctaws,.....	1
Testimony of Dibbin Marris,.....	6
Original application of Lula Bell before the Dawes Commission for identification as a Mississippi Choctaw,.....	12
Original application of Edna Bell before the Dawes Commission for identification as a Mississippi Choctaw,.....	17
Original application of Albert Isom, et al., before the Dawes Commission for identifica- tion as Mississippi Choctaws,.....	21
Original application of Sallie Bell, et al., before the Dawes Commission for identifica- tion as Mississippi Choctaws,.....	22

	page
Testimony of Dibbin Harris,.....	28
Original application of Jane Bell before the Dawes Commission for identification as a Mississippi Choctaw,.....	30
Affidavit of Jane Bell,.. ..	38
Affidavit of Joe Jommerson,.. ..	40
Decision of the Commission granting the ap- plications of Wash Bell, et al., for identification as Mississippi Choctaws,.....	41

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

-oOo-

In the matter of the application of Wash Bell, et al., for identification as Mississippi Choctaws, M.C.R. 5156.

---: 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 4, 1902, by Wash Bell for himself, his wife, Winnie Bell, and his three minor children, Nash, Martha and Johnnie 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 Winnie 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 of Congress approved July 1, 1902, (32 Stats., 641). Whatever rights

(2)

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:

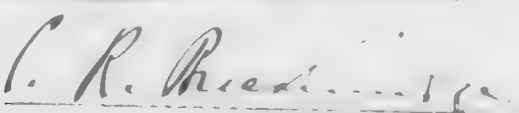
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants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

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

---0---

The record in the matter of the application of Wash
Bell, et al., (consolidated) for identification as Mississippi
Choctaws, M C R 5156.

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

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

Wash Bell, et al.,	M C R 5156,
Lula Bell,	M C R 5157,
Edna Bell,	M C R 5158,
Albert Isom, et al.,	M C R 5159,
Sallie Bell, et al.,	M C R 5168,
Jane Bell,	M C R 5166.

I N D E X.

	Page.
Original application of Wash Bell, et al., before the Dawes Commission for identification as Mississippi Choctaws - - - - -	1
Testimony of Dibbin Marris - - - - -	2
Testimony of Albert Isom - - - - -	7
Original application of Sallie Bell, et al., before the Dawes Commission for identification as Mississippi Choctaws - - - - -	10
Original application of Jane Bell before the Dawes Commission for identification as a Mississippi Choctaw - - - - -	13
Additional testimony of Jane Bell - - - - -	15
Affidavit of Jane Bell - - - - -	18
Affidavit of Joe Jemmerson - - - - -	20
Decision of the Commission granting the application of Wash Bell, et al., for identification as Mississippi Choctaws - - - - -	21

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Philadelphia, Mississippi, February 2, 1899.

In the matter of the application of Wash Bell, et al.
for identification as Mississippi Choctaws.

Wash Bell being first duly sworn testified as follows:

I am 63 years old, and am three-fourths Choctaw. My mother was a full blood and my father was a half white man. My wife is a full blood Choctaw. Her name is Winnie, and she is about 45 years old. We have the following children: Lulu, 23; Edna, 21; Hasy, 18; Nash, 19; Martha, 12; and Johnnie, 7 years old. My full brother is named Harges Bell. He is about 50 years old. His wife is a full blood named Sallie, about 60 years old. They have the following children: Callie, 22; Rufus, 14; and Namus, 13 years old.
(Full Blood)

(Excerpt from testimony taken by the Commission
at a session held at Philadelphia, Mississippi,
February 2, 1899).

5156

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, April 4, 1902.

In the matter of the application of Wash Bell for the identification of himself, his wife, Winnie, and three minor children, Nash, Martha and Johnnie, as Mississippi Choctaws, represented by Dibbin Marris.

Dibbin 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 Dibbin Marris.
Q How old are you? A Sixty.
Q What's your post office address? A North Bend, Mississippi.
Q Do you live in Neshoba County? A Yes, sir.
Q How much Choctaw blood have you? A One half.
Q You have heretofore appeared before the Commission in your own behalf? A Yes, sir.
Q And have this day appeared before the Commission in behalf of your invalid son, Marris Marris? A Yes, sir.
Q Are you acquainted with a Choctaw by the name of Wash Bell?
A Yes.
Q How long have you known him? A I have been knowing him about fifty years, I reckon.
Q Is he any relation to you? A My last wife, Jennie's, full brother
Q About how old a man is Wash? A About seventy, I reckon.
Q How much Choctaw blood has he? A Three quarters.
Q Where does he live? A He lives in Neshoba County.
Q North of Pearl River? A Yes.
Q What's his post office address? A Aden, Mississippi.
Q How long has Wash lived in Neshoba County? A All his life.
Q Is his father living? A No.
Q What was his name? A Robert Bell.
Q Is his mother living? A No, died.
Q What was her name? A I don't know.
Q Was Wash's mother a full blood Choctaw? A Yes.
Q And Robert was one-half Choctaw and one-half white? A Yes.
Q Do you know the name of any one of Wash's grand parents? A I don't know.
Q So far as you know have all of Wash's ancestors always lived here in Mississippi? A Yes.
Q Is Wash married? A Yes.
Q Living with his wife now? A Yes.
Q What's her name? A Winnie.
Q Is she a full blood Choctaw? A Yes.
Q Always lived in Mississippi? A Yes.
Q How long has she and Wash been living together? A About twenty five years. Winnie
Q How old is Wash, about? A About sixty.
Q Was she ever married before she married Wash? A No.
Q Was Wash ever married before he married her? A Yes, Wash married
- 24.

Wash Bell, et al., 2.

another woman and had one child, and his wife died.

- Q Is that child living? A Dead.
- Q Did he leave any children? A No.
- Q Is Winnie's father living? A Dead.
- Q What was his name? A Mark.
- Q Was he a full blood Choctaw? A Yes.
- Q Live here in Mississippi all his life? A Yes.
- Q Did he have any other name besides Mark? A That's all I ever heard of.
- Q Do you know the name of Mark's father, or his mother? A No.
- Q Is Winnie's mother living? A Dead.
- Q What was her name? A Sooky.
- Q Did she have a Choctaw name? A No.
- Q Did she live here in Mississippi all her life? A Yes.
- Q Do you know the names of her parents? A Don't know.
- Q So far as you know, have all of her ancestors been full blood Choctaws? A Yes.
- Q And have always lived in Mississippi have they? A Yes.
- Q Is she a full sister of Mingo Mark? A Yes, sir.
- Q Have Wash and Winnie and children who are of age or married?
A One of age and married.
- Q And he has got two of age at home? A Yes.
- Q The married one is named Hasey and she is now the wife of Albert Isom? A Yes.
- Q The two who are of age and living at home are Lula and Edna?
A Yes.
- Q Now, have they any minor children living with them? A Three.
- Q What are their names and ages? A Nash.
- Q About nineteen? A Yes.
- Q Martha? A Martha and Johnnie.
- Q About how old is Martha? A About twelve.
- Q How old is Johnnie, seven? A About seven years old.
- Q Johnnie a boy? A Yes.
- Q These three are the children of Wash and Winnie, are they? A Yes.
- Q Have they any other children living with them besides those whom you have named? A No.
- Q Any old folks living with them? A No, just his own folks.
- Q Are Lulu and Edna and Hasey all three the children of Wash and Winnie Bell? A Yes.
- Q Lulu and Edna have neither one of them ever been married? A No.
- Q Do you know whether any application of any description has ever been made to the Commission for Wash, or any of his family? A I heard he went three years ago at Philadelphia.

The records of the Commission show that on the second day of February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Wash Bell, his wife, Winnie, and six minor children, Lulu, Edna, Nash, Hasey, Martha and Johnnie, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 321; also, upon page 78 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 14 of the treaty of Dancing

Wash Bell, et al., 2.

Rabbit Creek, being Numbers 1130, 1131, 1132, 1133, 1134, 1135, 1136 and 1137, respectively, thereon.

Q Is this application made for these persons at Philadelphia three years ago the only application of any kind that has ever been made for them for the purpose of establishing ~~rights~~ rights as Choctaw Indians? A I think that's the only one.

Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you not? A Yes.

Q Do you know whether any of the ancestors of Wash, or his wife, ever complied or attempted to comply with its provisions, or ever received any benefits under that article? A I don't know.

Statement by Commission:

Special reference is hereby made to the testimony of Dibbin Marris, given before the Commission on this date, in support of the application of his son, Marris Marris, for identification as a Mississippi Choctaw, it appearing from said testimony that the Robert Bell, the father of Wash Bell, received some land in Neshoba County, Mississippi, from the Government of the United States before the affiant, Dibbin Marris, was born; that a part of said land is now owned by Wash Bell.

Q Do you know whether any of the ancestors of Winnie Bell owned an improvement here in the old Choctaw Nation, in Mississippi and Alabama, at the time the treaty of Dancing Rabbit Creek was made?

A I don't know.

Q Do you know whether any of them removed 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 none of Winnie's ancestors anyhow.

Q Do you know whether 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 Do you know whether any of them ever claimed or received 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 Do you know whether any of them appeared before the Commissioners appointed under the Acts of Congress approved March 3, 1837, February 22, 1838, or August 23, 1842, and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek?

A I don't know.

Q Do you know whether any of them ever got any scrip from the Government under the Act of Congress approved August 23, 1842?

A I don't know.

Q Do you know of any old person living who would likely know whether any of the ancestors of Winnie 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 it? A I don't know.

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

Wash Bell, et al., 4.

- Q About how old is Lulu, the daughter of Wash Bell? A She is probably twenty five or six years old.
- Q About how old is Edna? A She would be-if the other is twenty five or six, she's twenty three or four years old.
- Q Has Wash any brothers living? A No.
- Q Has he any brothers dead who left children? A Yes, I think about two.
- Q What are their names? A One was Harges; he left a wife, Sallie, and children, Callie, Rufus and Namus, who is now dead.
- Q Is Callie married? A No, aint married.
- Q What was the name of the other brother of Wash who left children? A No other brothers left children.
- Q You were mistaken a while ago then? A Yes, I was mistaken.
- Q How many sisters has he living? A One.
- Q What's her name? A Jane Bell.
- Q Is she married? A No.
- Q Has she ever been married? A No.
- Q Where does she live? A Close to Brigger.
- Q Has she ever been before the Commission? A No.
- Q Does she live among Choctaws or with white people? A Yes, live with Choctaws. Lives with Robert Tubbee.
- Q In Winston County? A Yes.
- Q Now, is that the only one of Wash's sisters who is living? A Yes.
- Q Has he any sisters dead besides your wife? A Yes.
- Q Did any of those sisters leave children? A Yes, one of them left children.
- Q What was her name - the one that left children? A Sabelia.
- Q Are any of her children living now? A Yes, Moseley Marris, who is the son of my brother, Watson Marris.
- Q Is that all? A Tom Kate.
- Q Is that all? A Yes, that's all.
- Q Did Robert Bell, ever have any brothers or sisters - Wash's father? A I don't know.
- Q Has Winnie any brothers or sisters living? A Yes, one brother, Mingo Mark.

(From the testimony of Dibbin Marris, who bears the reputation of being a thoroughly reliable Choctaw, there can be no doubt that Wash Bell is a three quarters blood Choctaw, and his wife, Winnie, is a full blood. This man Bell lives across Pearl River from the camp of the Commission, and had signified his intention of appearing before the Commission, but owing to the extremely high water, it is impossible for him to cross Pearl River, and at best it would not be possible for him to cross the River for at least ten days.)

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 4th day of April, 1902, and that the above and foregoing is a full, true and correct translation

Wash. Bell, et al., v.

of his stenographic notes of said proceedings in said cause upon
said date.

R. A. Stout

Subscribed and sworn to before me at Meridian, Mississippi, this
14th day of April, 1902.

L. B. Mosely

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

By

[Signature]

Deputy.

5157

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, April 4, 1902.

In the matter of the application of Albert Isom for the identification of himself and his wife, Hasey, as Mississippi Choctaws, represented by Dibbin Marris.

Dibbin 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 Dibbin Marris.
Q How old are you? A Sixty.
Q What's your post office address? A North Bend, Mississippi.
Q Do you live in Neshoba County? A Yes, sir.
Q How much Choctaw blood have you? A One half.
Q You have heretofore appeared before the Commission in your own behalf? A Yes, sir.
Q And have this day appeared before the Commission in behalf of your invalid son, Marris Marris? A Yes, sir.
Q Are you acquainted with a Choctaw by the name of Albert Isom? A Yes, I have seen him a few times.
Q Is he a full blood Choctaw? A Yes.
Q About how old a man is he? A About twenty two.
Q Where does he live? A Northern part of Neshoba County.
Q What's his post office address? A Fusky, Mississippi.
Q Has he lived in Mississippi all his life? A Yes.
Q Do you know the name of his father? A Henry Isom.
Q Was he a full blood Choctaw? A Yes.
Q Did he have a Choctaw name? A I don't know.
Q Do you know the name of his father? A Old Isom.
Q Did he have a Choctaw name? A Cun-nc-tambee.
Q Do you know the name of Henry's mother? A Don't know.
Q Do you know the name of Albert's mother? A Sibbie.
Q Was she a full blood Choctaw? A Yes.
Q How long has she been dead? A About ten years, I reckon.
Q Do you know the names of her parents? A Don't know.
Q So far as you know, have all of Albert's ancestors been full blood Choctaw Indians? A Yes.
Q They all lived here in Mississippi always? A Yes.
Q Is Albert married? A Yes.
Q What's his wife's name? A Hasey.
Q Living together now? A Yes.
Q How long have they been living together? A Been married not long ago.
Q Was Albert ever married before he married her? A No, I reckon not.
Q Was she ever married before she married him? A No.
Q About how old is Hasey? A About fifteen or sixteen I reckon.
Q How much Choctaw blood has she? A Seven eighths.
Q Is her father living? A Yes.
Q What's her name? A Wash Bell.

Albert Isom, et al., 2.

Q Is her mother living? A Yes.

Q What's her name? A Winnie.

Q You have appeared before the Commission this morning and given in your testimony in regard to the application of Wash Bell and Winnie, and their children, have you not? A Yes.

Statement by Commission:

Special reference is hereby made to the testimony of Dibbin Marris, given before the Commission today in support of the application of Wash Bell, wife, and children, as Mississippi Choctaws.

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

Q Do you know whether any of the ancestors of Albert Isom ever complied or attempted to comply with the provisions of that 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A Don't know.

Q Do you know whether any of them ever appeared before the commissioners appointed under the Acts of Congress approved August 23, 1842, March 3, 1837, or February 22, 1838, and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek?

A No, I don't know.

Q Do you know whether any of them ever got any scrip from the Government under the Act of Congress of August 23, 1842? A No, don't know.

Q Do you know whether any application of any description has ever been made before today for Albert Isom, or his wife, Hasey, for the purpose of establishing their rights as Choctaw Indians? A Yes, three years ago at Philadelphia.

The records of the Commission show that on the second day of February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Wash Bell, his wife, Winnie, and six minor children, Lulu, Edna, Nash, Hasey, Martha and Johnnie, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 321; also, upon page 78 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands, in Indian Territory, under the 14th article of the treaty of Dancing Rabbit Creek, being number 1135 thereon.

The records of the Commission further show that on the 4th day of February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Albert Isom as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw Card, Field Number 338; also, upon page 80 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 provis-

Albert Isom, et al., 3.

ions of the 14th article of the treaty of Dancing Rabbit Creek, being number 1197 thereon.

- Q Do you know of any old person living who would likely know whether any of the ancestors of Albert Isom 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.
- Q You don't know of any written evidence of any kind which would prove or tend to prove such a state of facts, do you? A I don't know.
- Q Has Albert any brothers living? A I think one of his brothers is living.
- Q What's his name? A Robert.
- Q Has he any sisters living? A I don't know.
- Q Has he any brothers or sisters dead who left children? A I don't know.
- Q Are any of his father's brothers living? A Yes, one living, I think, Calvin Isom.
- Q Has he any brothers dead who left children? A No.
- Q Has he any sisters living? A No.
- Q Has he any sisters dead who left children? A I don't know much about his people.
- Q Has Albert's mother and brothers living? A I think all dead.
- Q Did any of them leave children? A I don't know.
- Q Did she ever have any sisters? A I don't know.

(It is evident from the testimony of Dibbin Marris, who bears the reputation of being a thoroughly reliable Indian, that Albert Isom is a full blood Indian, and that his wife, Hasey, is a seven eighths blood Choctaw; that they are now living near Fusky, in Neshoba County, Mississippi. The Commission has reason to believe that he has knowledge of the presence of the Commission at this place, and that he would appear before the Commission were it not impossible to do so on account of the extremely high water.)

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 4th day of April, 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 Meridian, Mississippi, this 15th day of April, 1902.

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

By *Mosley* Deputy.

Sallie
Rufus
Callie

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. March 23, 1903.

5168

5168

Additional Testimony

In the matter of the application of Sallie Bell, et al., for identification as Mississippi Choctaws.

J.G. Ralls, appearing for applicants;
Sallie Bell, the principal applicant, appearing.

Sallie Bell being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sallie Bell.
- Q How old are you? A I reckon sixty.
- Q What is your post office address? A Ardmore,
- Q How long have you lived at Ardmore? A About a month.
- Q Where did you live before you came to Ardmore? A In Mississippi
- Q Did you live near Aden, Mississippi? A Yes.
- Q What is your father's name? A James.
- Q Had he any other name? A No.
- Q Did he have a Choctaw name? A I don't know.
- Q Is he living? A No sir, he's dead long time.
- Q What is your mother's name? A Sallie.
- Q Has she any other name? A Don't know.
- Q Is she living? A She died long time; her Choctaw name Ho-tee.
- Q Was your father full blood? A Yes sir.
- Q Was your mother full blood Choctaw? A Yes.
- Q Are you married? A No.
- Q Is your husband dead? A Yes.
- Q What was his name? A Harges Bell.
- Q What was his father's name? A Robert pell.
- Q What was his mother's name? A Susie.
- Q How much Choctaw blood did Robert pell have? A One half.
- Q How much Choctaw blood did Susie have? A Don't know.
- Q Have you any children? A Yes.
- Q What are their names and ages? A Callie, twenty.
- Q Is she married? A No.
- Q What is the name of your other child? A Rufus.
- Q How old is he? A Eighteen.
- Q Your husband, Harges, was three fourths Choctaw, was he? A Yes
- Q He was the father of these children? A Yes.
- Q These children are 7/8 Choctaw blood ten? A Yes.

It appears from the records of the Commission that on April 4, 1902, Dibbin Marris appeared before the Commission at Seals Miss. and made application for Sallie and one child Rufus as Mississippi Choctaws; it further appears from the records of the Commission that on the same date application was made for Callie Bell by Dibbin Marris as 21 years of age.

- Q Do you know the names of your father's parents? A No.
- Q Do you know the names of your mother's parents? A No.
- Q Do you know whether either your father or mother ever received any land from the Government in Mississippi? A No.
- Q Do you know whether any of your Choctaw ancestors appeared before the Indian agent in Mississippi within six months from the ratification of the treaty of 1830 and signified an intention to remain in the old Choctaw Nation, take land there and become citizens of the States? A No.
- Q Do you know whether any of your Choctaw ancestors ever received any land from the Government under that article? A I don't know.
- Q Do you know whether any of your husband's ancestors ever received any land in Mississippi from the Government? A Robert Bell my husband's father got some and sold it.
- Q How much did he get? A About 600 acres.
- Q Do you know where that land was located? A In Washoba County.
- Q Do you know whether he received that land under article 14 of the treaty of 1830? A Yes, he received it in 1830.
- Q Well, do you know whether he got that land under the provisions of article 14 of the treaty of 1830? A Yes.
- Q Do you know whether your husband's father, Robert Bell, appeared before the Indian agent in Mississippi and told him he wanted to stay there, take land and become citizens of the States? A I don't know.
- Q But you do know that Robert Bell, your husband's father and the grandfather of these children of yours received land there from the Government? A I don't exactly know but I have heard it.
- Q Do you know who lives on that land now? A I don't know who is on it; Wash Bell is the man who sold it.
- Q Wash Bell is the son of Robert Bell and the brother of George Bell, your husband? A Yes.
- Q Do you speak the Choctaw language? A Yes.
- Q Is there any other statement you want to make? A No.

You will be allowed thirty days from this date within which to furnish additional evidence in support of this claim.

Applicant has the appearance of being full blood Choctaw; speaks and understands the Choctaw language; has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen; but she states, however, that her husband's father, Robert Bell, the grandfather of her children, obtained land in Mississippi from the Government under article fourteen of the treaty of 1830.

Q Have you removed from the State of Mississippi to the Choctaw Nation, Indian Territory, for the purpose of making that your permanent home? A Yes.

R.B. Eisenberg being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 23, 1903,

and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

R. B. Eisenberg

Subscribed and sworn to before me this 13 day of ^{July} ~~June~~, 1903.

Charles H. Sawyer

Notary Public.

5766

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, April 4, 1902.

In the matter of the application of Jane Bell, for the identification of herself as a Mississippi Choctaw, represented by Dibbin Marris.

Dibbin 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 Dibbin Marris.
Q How old are you? A Sixty.
Q What's your post office address? A North Bend, Mississippi.
Q Do you live in Neshoba County? A Yes, sir.
Q You have heretofore appeared before the Commission in your own behalf? A Yes, sir.
Q And have this day appeared before the Commission in behalf of your invalid son, Marris Marris? A Yes, sir.
Q Are you acquainted with a woman by the name of Jane Bell? A Yes.
Q How long have you known her? A I been knowing her all her life.
Q Is she any kin to you? A She is a full sister of my wife.
Q Last wife, Jennie? A Yes.
Q About how old is she? A About fifty five.
Q How much Choctaw blood has she? A Three quarters blood.
Q What's her post office address? A Aden, Mississippi.
Q In what County does Jane live? A Winston.
Q Has she lived here in Mississippi all her life? A Yes.
Q Is her father living? A Dead long time.
Q What was her name? A Robert Bell.
Q Do you know the name of Jane's mother? A No.
Q How long has she been dead? A Been dead a good while.
Q Was she a full blood Choctaw? A Yes.
Q Robert was a half blood, was he? A Yes.
Q Do you know whether any application of any kind has ever been made for Jane before today for the purpose of establishing her rights as a Choctaw Indian? A I don't know.
Q You never heard of her ever having made any application? A No.
Q Has she any children living? A No.
Q Was she ever married? A No.
Q With whom does she live? A Lives with Robert Tubbee.
Q Is she any relation to him? A She is some kin to Robert Tubbee's wife.
Q What kin? A I reckon is her aunt.

(Special reference is hereby made to the testimony of Dibbin Marris, given on this date, in support of the application of his invalid son, Marris Marris; also, his testimony in support of the application of Wash Bell for identification as a Mississippi Choctaw, given before the Commission this day.)

Jane Bell, 2.

(Jane Bell, who is a sister of Wash Bell, lives in the edge of Winston County, across Pearl River, from the camp of the Commission, and it would be impossible for her to reach the Commission within at least ten days. This woman was never heard of by the Commission until today during the examination of Dibbin Marris. Other Indians living near her have been notified of the presence of the Commission at this place, and she is no doubt aware of our presence here.)

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, April 4th, 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 Meridian, Mississippi, this 15th day of April, 1902.

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

By

[Signature]

Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I.T., March 23, 1903.

Additional testimony in the matter of the application of Jane Bell for identification as a Mississippi Choctaw. M.C.R. 5166.

Applicant represented by J. G. Ralls.

Jane Bell, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Jane Bell.
Q What is your age? A 48.
Q What is your postoffice address? A Ardmore.
Q Where did you live prior to moving to Ardmore? A Aden, Mississippi.
Q You lived in Winston County, did you? A Yes.
Q When did you come to the Territory? A Month ago.
Q Prior to moving to the Indian Territory one month ago you always lived in Mississippi, did you? A Yes.
Q What is your father's name? A Robin Bell.
Q Was his name Robin or Robert Bell? A Robin Bell.
Q What is your mother's name? A Susie Bell.
Q Is your father living? A He died.
Q Is your mother living? A No.
Q How much Choctaw blood did your father have? A I don't know.
Q What was your father's father named? A Don't know.
Q What was your father's mother's name? A Don't know.
Q Do you know the names of either of your mother's parents? A Don't know - died long time ago.
Q How much Choctaw blood do you claim to have? A 3/4.
Q Is Wash Bell your brother? A Yes.
Q Full brother? A Yes.
Q Are you married? A No.
Q Ever been married? A No.
Q Got any children? A No.

This applicant is the identical Jane Bell whose application was made at Seale, Mississippi, April 4, 1902, by Dibbin Marris.

- Q Your father, Robert Bell, was 1/2 Choctaw, was he not? A Yes.
Q Your mother a full blood? A Yes.
Q Do you appear before the Commission at this time for the purpose of giving additional testimony in the matter of the application made by Dibbin Marris on April 4, 1902, for your identification as a Mississippi Choctaw? A Yes.
Q Article 14 of the treaty of 1830 reads as follows: "Each Choctaw head of a family, being desirous to remain and become a citizen of the states, shall be permitted to do so by signifying his intention to the agent within six months from the signing

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

- Q Do you know whether any of your Choctaw ancestors ever appeared before the United States Indian Agent in Mississippi within six months after the ratification of the treaty of Dancing Rabbit Creek and signified to him their intention to remain there, take land and become citizens of the United States. Do you know anything about that? A My father did.
- Q About how old would your father be if living? A About 80 years.
- Q Do you know the name of your father's father? A No.
- Q Do you know the name of your father's mother? A Don't know.
- Q Do you know the name of your mother's father or mother's mother? A Don't know.
- Q Do you know the names of any of your ancestors any further back than your father? A No.
- Q Where was this land located that you say your father got from the Government? A Noxapater.
- Q In what county in Mississippi was that? A Neshoba.
- Q How much land did he get? A About 160 acres.
- Q Do you know whether he got that land under article 14 of the treaty of 1830? A Don't know.
- Q Do you know whether any of your Choctaw ancestors ever received any land in Mississippi from the government of the United States under article 14 of the treaty of 1830. A I don't know.
- Q Now, all you know is that your father got 160 acres of land there from the government.
- Q Do you know how many brothers or sisters your father had? A Got one brother, Alex Bell.
- Q Was Alex Bell older or younger than your father? A Younger.
- Q Do you know how much younger? A Don't know.
- Q And you don't know the names of your father's parents? A Don't know.
- Q In 1837 and 1842 the government appointed commissions who went to Mississippi to hear claims of Choctaws who claimed that they had complied with article 14 of the treaty of 1830 but that their land was taken from them by the government. Do you know whether any of your Choctaw ancestors went before either of the commissions appointed in 1837 or 1842 and endeavored to establish their rights under article 14 of the treaty of 1830? A Don't know.
- Q You speak and understand the Choctaw language? A Yes.
- Q Who now owns that land that your father got from the government? A Wash Bell.
- Q Your brother? A Yes.
- Q Your brother still owns that land and lives on it? A Yes.

3 - Jane Bell.

- Q Have you got a brother Hargis Bell? A Yes.
Q Did you have a sister named Jennie who married Dibbin Marris?
A Yes.
Q Did you have a sister named Rosanna who married Watson Marris?
A Yes - my sisters all died.
Q Have you moved from the state of Mississippi to the Choctaw
Nation for the purpose of making your home? A Yes.

This applicant has the appearance of possessing fully as much Choctaw blood as claimed by her - in fact could easily be mistaken for a full blood Choctaw. She speaks the Choctaw language and some English. She has no knowledge of compliance upon the part of her ancestors with the provisions of the 14th article of the treaty of 1830, except that she states that her father, Robert Bell, received some land in Mississippi from the government and that her brother, Wash Bell, now lives on that land.

May Hudson upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

May Hudson

Subscribed and sworn to before me this April 21, 1903.

John E. Fisher
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED

FILED

AUG 13 1904

[Handwritten signature]

B.

4-905 a.

M. F. H.


Department of the Interior,

GENERAL LAND OFFICE,

Washington, D. C., Feb. 20th, 1904

I hereby certify that the annexed copy of patent is a true and literal exemplification from the record in this office.

In testimony whereof I have hereunto subscribed my name, and caused the Seal of this Office to be affixed, at the City of Washington, on the day and year above written.


Acting Commissioner of the General Land Office.

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

Whereas, under the fourteenth Article of the Treaty, concluded at Dancing Rabbit Creek, on the twenty-seventh day of September, in the year of our Lord one thousand eight hundred and thirty, by the Commissioners on the part of the United States, and the Chiefs, Captains, and Head Men of the Choctaw Nation, on the part of said Nation, Robert Bell became entitled, out of the lands ceded to the United States by the said Treaty, to One Section of land; And whereas, Section four containing six hundred and ninety-four acres and ninety-six hundredths of an acre, in Township twelve (North) of Range twelve East (of the Choctaw Meridian) which is situated in the District of Lands subject to sale at Columbus, Mississippi, has been designated as the location of the said Robert Bell, and the President of the United States having approved the said location on the 18th August 1846, as appears from a return under date 19th August 1846 from the Commissioner of Indian Affairs, War Department, to the General Land Office. _____

Now Know Ye, That the United States of America, in consideration of the premises, and in conformity with the provisions of the said Treaty, Have Given and Granted, and by these presents Do Give and Grant unto the said Robert Bell the said tract of land above described: To Have and To Hold the same, together with all the rights, priveleges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said Robert Bell and to the heirs and assigns forever, of the said Robert Bell. _____

In Testimony Whereof, I, James K. Polk, President of the United States of America, have caused these Letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed. _____

Given under my hand, at the City of Washington, the fourteenth day of December in the year of our Lord one thousand eight hundred and forty six and of the Independence of the United States the seventy first.

(L.S.)

By the President: James K. Polk.

By J. Knox Walker, Sec'y.

S. H. Laughlin, Recorder of the General Land Office.

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

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

Wash Bell, et al.,	M C R 5156,
Lula Bell,	M C R 5157,
Edna Bell,	M C R 5158,
Albert Isom, et al.,	M C R 5159,
Sallie Bell, et al.,	M C R 5168,
Jane Bell,	M C R 5166.

D E C I S I O N .

It appears from the records of the Commission that application was made by Wash Bell before the Commission to the Five Civilized Tribes at Philadelphia, Mississippi, on February 2, 1899, for the identification of himself, his wife Winnie Bell, his daughter Lulu (Lula) Bell, his daughter Edna Bell, his daughter Hasey (Hasey), now Hasey Isom, and his minor children, Nash, Martha and Johnnie Bell; application was made by Sallie Bell for the identification of herself and her two minor children, Callie and Rufus Bell, before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on March 23, 1903; and application was made by Jane Bell for identification as a Mississippi Choctaw before the Commission at its office at Muskogee, Indian Territory, on March 23, 1903; the applications above referred to having been made

under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

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

From the records of the Commission it appears that Winnie Bell and Sallie Bell, who are full blood Mississippi Choctaw Indians, have been by this Commission duly identified as Mississippi Choctaws under the provisions 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, 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 Robert Bell, who is alleged to have been an one-half blood Choctaw Indian, and Susie Bell, 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 and Chickasaw Citizenship Court created under the Act of Congress approved July 1, 1902 (32 Stats., 641).

From the evidence submitted in support of said applications it appears that all the applicants herein, except those heretofore identified, are lineal descendants of Robert Bell, an one-half blood Choctaw Indian, who resided and owned improvements in Neshoba County, Mississippi, in eighteen hundred and thirty; that Wash Bell, the principal applicant herein, and Jane Bell, applicant in M C R 5166, are children of the said Robert Bell and his wife, Susie Bell, who is alleged to have been a full blood Choctaw Indian, and the grandchildren of Jimmy Bell, a white man; that Robert Bell signified his intention to comply with article fourteen of the treaty of eighteen hundred and thirty, and by virtue thereof received lands in Neshoba County described as section 4, township 12, range 12 E, which land the principal applicant herein is living upon at the present time.

It is found that the name Robert Bell appears upon pages 140, 204, 205, 207, 208, 223 and 316, Volume I, Claimants Brief and Evidence, in the case of the Choctaw Nation vs. United States, before the Court of Claims, case No. 12742, in a number of lists, statements and depositions relating to claims under article fourteen, wherein it appears, among other things, that Robert Bell was an one-half blood Choctaw Indian, who married a Choctaw woman and who resided in northwest quarter of section 4, township 12, range 12 E. It further appears from said record that the case of

said Robert Bell was favorably adjudicated by Commissioners Murray and Vroom, appointed under the act of Congress of March 3, 1837, they finding that Robert Bell signified to Col. Ward his intention to remain in Mississippi for five years, become a citizen of the State and take lands under article fourteen of the treaty of "Dancing Rabbit Creek."

The evidence herein shows that Robert Bell, through whom these applicants claim, is the identical Robert Bell whose name appears in the records above cited and whose case was favorably adjudicated by the Commission appointed under the Act of Congress of March 3, 1837.

It is therefore the opinion of this Commission that the evidence herein is sufficient to determine the identity of Wash Bell, Nash Bell, Martha Bell, Johnnie Bell, Lula Bell, Edna Bell, Hasey Isom, Callie Bell, Rufus Bell and Jane Bell as Choctaw Indians, entitled 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 granted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory.

SEP 27 1904

MERIDIAN, MISSISSIPPI, September 30, 1903.

Wash Bell,

Aden, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on April 4, 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.

Meridian, Mississippi, November 25, 1903.

Wash Bell,

Aden, Mississippi.

Dear Sir-

Under date of September 30, 1903, the following letter was written to you:

It appears from the records of the Commission that on April 4, 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 61

Special Agent.

M.C.R. 6156

COPY.

Muskogee, Indian Territory, May 20, 1904.

Winnie Bell,

Aten, 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 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 Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

I. E. Needles
Commissioner in Charge.

Registered.

Incl. MCR 6156.

COPY.

Muskogee, Indian Territory, May 20, 1904.

Dibbin Marris,

Ardmore, Indian Territory,

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on May 20, 1904, rendered its decision identifying Winnie 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, in order for the person so identified to avail herself of the benefits of such identification, she 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.

M.C.R. 5156
COPY.

Muskogee, Indian Territory, May 20, 1904.

Mansfield, McMurray & Cernish,
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 Winnie Bell 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 Winnie 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. D. Needles.

Commissioner in Charge.

Registered.

Incl. MCR 5156.

(See MCR 7433 for registry receipt for this letter).

COPY.

M.C.R. 5156

Muskogee, Indian Territory, September 27, 1904.

Wash Bell,

Aden, Mississippi.

Dear Sir:

Enclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying you and your children, Nash, Martha and Johnnie Bell, as Mississippi Choctaws.

Under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), in order for the persons so identified to avail themselves of the benefits thereof they 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, of the Chickasaw Land Office, at Tishomingo, Indian Territory, for the purpose of making proof of your removal to and settlement within the Choctaw-

W.B. 2

Chickasaw country, at the earliest practicable date.

Respectfully,

(SIGNED) *James Bixby.*

Chairman.

Registered.

Enc. M.C.R. 5156.

COPY.

H.C.R. 5157

Muskogee, Indian Territory, September 27, 1904.

Lulu Bell,

Aden, Mississippi.

Dear Madam:

Enclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying you as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), in order for the persons so identified to avail themselves of the benefits thereof they 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 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

L.B. 2

making proof of your removal to and settlement within the Choctaw-Chickasaw country, at the earliest practicable date.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

Registered.

Enc. M.C.R. 5157.

COPY

M.C.R. 5158

Muskogee, Indian Territory, September 27, 1904.

Edna Bell,

Aden, Mississippi.

Dear Madam:

Enclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying you as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), in order for the persons so identified to avail themselves of the benefits thereof they 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 person herein named, 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 Choc-

E.B. 2

law-Chickasaw country, at the earliest practicable date.

Respectfully,

SIGNED

James Bixby.

Chairman.

Registered.

Enc. M.C.R. 5158.

COPY.

M.C..R. 5159

Muskogee, Indian Territory, September 27, 1904.

Albert Isom,

Tusky, Mississippi,

Dear Sir:

Inclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying your minor child, Hasey Isom, as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641), in order for the person so identified to avail himself of the benefits thereof he 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 person herein named, 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 Hasey Isom 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

A. I. S

Making proof of his removal to and settlement within the Choctaw-Chickasaw country, at the earliest practicable date.

Respectfully,

James Bixby.

SIGNED

Registered.

Chairman.

Incl. M.C.R. 5159.

COPY:

H.C.R. 5168

Muskogee, Indian Territory, September 27, 1904.

Sallie Bell,

Aden, Mississippi.

Dear Madam:

Enclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying your child, Rufus Bell, as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), in order for the person so identified to avail himself of the benefits thereof he 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 person herein named, 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

S. B. 2

of making proof of the removal to and settlement within the
Choctaw-Chickasaw country, of Rufus Bell, at the earliest prac-
ticable date.

Respectfully,

WITNESSED:

Wm. H. Picoby.

Chairman.

Registered.

Enc. U. S. R. 5166.

COPY:

M.C.R. 5166

Muskogee, Indian Territory, September 27, 1904.

Jane Bell,

Aden, Mississippi.

Dear Madam:

Enclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying you as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July, 1, 1902, (32 Stats., 641), in order for the persons so identified to avail themselves of the benefits thereof they 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 provided 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 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

J.B.2

Chickasaw country, at the earliest practicable date.

Respectfully,

SIGNED *James Bixby.*

Chairman.

Registered.

Enc. M.C.R. 5166.

COPY.

M. J. R. 5156

Muskogee, Indian Territory, September 27, 1904.

J. G. Ralls,
Attorney at Law,
Atoka, 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 the several persons included in the consolidated case of Wash Bell et al.

Under the provisions of the Act of Congress approved July 1, 1902, (32 Stat., 641), in order for the persons so identified to avail themselves of the benefits thereof they 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 provided that proof of such settlement shall be made to this Commission within one year after the date of such identification.

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 said applicants appear before the Commission, at the Choctaw Land Office, at Atoka, Indian Territory, or the Chickasaw Land Office, at Tishomingo, Indian Territory, for

J.G.R. 2

the purpose of making proof of their removal to and settlement within the Choctaw-Chickasaw country, at the earliest practicable date.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date thereof on which to file protest against the action of the Commission in identifying said applicants as Mississippi Choctaws. If at the expiration of that 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,

Tama Pirby.

Chairman.

Registered.

Incl. 5136.

COPY:

M.C.R. 6098

Muskogee, Indian Territory, September 27, 1904.

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

Gentlemen:

Inclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying the several persons included in the consolidated case of Wash Bell et al.

you are further advised that you will be allowed fifteen days from the date of this notice 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. If at the expiration of that 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) *Tarns Bixby.*

Chairman.

Registered.

Incl. M.C.R. 6098.

copy

M.C.R. 5168.

Muskogee, Indian Territory, October 19, 1904.

Rufus Bell,

Ardmore, Indian Territory.

Dear Sir:

Enclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying you as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), in order for the person so identified to avail himself of the benefits thereof he 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 settlement shall be made to this Commission within one year after the date of the identification of the person herein named, 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-

R. E. S.

Chickasaw country at the earliest practicable date.

Respectfully,

~~W. W. W.~~

James Birby
Chairman.

Registered.

Encl. M.C.R. 8186

M. C. R.
5168.

COPY.

Muskogee, Indian Territory, October 19, 1904.

Callie Bell,
Ardmore, Indian Territory.

Dear Madam:

Enclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying you as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), in order for the person so identified to avail herself of the benefits thereof she 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 person herein named, 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-

C. B. 2.

Chickasaw country, at the earliest practicable date.

Respectfully,

(SIGNED)

Tamc Bixby

Registered.

Chairman.

Encl. M.C.R. 5156.

mck
5156

Wash Bell 70, 3/4

~~mck~~ married

Winnie Mark 60, full

FATHER - Mark D, MOTHER - Sooky D

Robert Bell, 1/2 dead

Susie Bell, ^{wife} full blood, dead

mck
5160

Jane Bell, 55, 3/4

mck
5157

Lulu Bell, 25 7/8

mck
5158

Edna Bell, 23 7/8

mck
5159

Hasey Bell, 7/8 16

^{married} Albert Isom, full, 22

FATHER - HENRY ISOM, MOTHER - SIBBIE D
FATHER'S FATHER - Cinnamonbee

mck
5158

Nash Bell, 19

Martha Bell, 12

Johnnie Bell, 7

mck
5167

Callie Bell, 21, 7/8

mck
5168

Rufus Bell, 18

Robert Bell, Jr. dec'd
 wife
 Susie Bell, full dec'd

Jimmie or
 Jennie Bell $\frac{3}{4}$ dec'd
 married
 Dibbin Marris, $\frac{1}{2}$

* Coleman Marris, 40 $\frac{3}{4}$
 wife fl.
 Rosie Marris, dead

* Nannie Marris, 10
 * Jane Marris, 8
 * Lillie Marris, 7
 * Jennie Marris, 4

* Marris Marris, 30 $\frac{5}{8}$

* Tom H Marris, 27 $\frac{3}{4}$
 married

* * Christian Marris, 1

* * Lady Bull, 26, full

* * Winner Marris, 1

* Susan Marris, 25 $\frac{3}{4}$
 married

Asa Edmon Bull

* Jim Marris, 23 $\frac{5}{8}$
 married

* Arch Marris, 9

Minerva Frasier full

* Wench Marris, 19

* Steve Marris, 17

* Nancy Marris, 11

* Missy Marris, 11

* Mat Marris, 10

* Lisa Marris, 6

* Included in consolidated case of
 Marris, et al, MCR 255

* * Included in consolidated case of
 Bull, et al, MCR 257

REFER TO M. C. R. 5156

Wash Bell et al

Consolidated Co

Robert Bell, 1/2 dead	Rosanna
wife	Lousanna Bell, 3/4, dead
Susie Bell, full, dead	married
	Watson Morris, 53, 1/2 L

Scaly Marris, 35 3/4	Presley Kelley, 12
married	Lloyd Kelley, 10
Albert Kelley, 37 1/2	Eula Kelley, 8
Moseley Morris, 33, full	Lillie Morris, 4
married	
Ida Wilson, full	Dempsey Morris, 1
Bertie Marris, 26 5/8	Maggie Sockey, 6
married	Rafe Sockey, 5
John Sockey full 28	Ned Sockey, 4
William Morris, 25 5/8	Nan Morris, 5
married	Forman Morris, 3
H. Anderson 21 1/4	Bowman Morris, 2
	Brooksie Morris, 1
George Marris, 25 5/8	
married	
Fogy Sockey, full 25	
Nellie Marris 17	

All included in consolidated
 Case of Dublin Marris, et al
 No. 2582

Alex Bell, 1/2 dead
 wife
 Sallie Bell, full

Father of

Hubber

Nicholas Bell, full dead

Martha Bell full 55
 married
Note: Disputed parentage & illegitimacy

x Allison Thompson, full

x Included in Consolidated in Meds 218

Scott Bell, 55, 3/4
 wife

Merly Bell (separated)

Lucy Bell, full dead
 married

Wiley Isaac, full dead

Silman Bell, full 52
 married

x Alice Jimmy full 27
 x Refers to Meds 4572

x Simmons Thompson 22
 xx Callie Bell

x Hortense Thompson
(Now wife of Stewart Austin, Med 5111)

x Lena Thompson

xx Consolidated in ... (see 188)

Hugh Bell, 28, 7/8

Med 5038
 King Isaac, 22, full
 married
 x Eliza Bell, full 80
 father, Joe Bell
 Mother Nat Jones
 Rogers Isaac, 18
 Siss Isaac 7

Thompson Bell, 5
 Nicholas Bell, 3
 Emmon Bell, 2

Alex Bell, 1/2 dead Winnie Bell, 3/4, dead
 wife
 Sallie Bell, 1/2 dead

married
 Amos, full. dead

<p>5170 married Ida Wallace, full 17</p>	<p>McR 5170 Chickamou Amos, 1</p>
<p>McR married Wesley Prager, 35, full (See McR 5170)</p>	<p>McR Clint S. Prager, 5 Ella Prager 10 m</p>
<p>McR married Annie Prager 25 full (See McR 5170)</p>	<p>McR Julius Amos, 7 m</p>
<p>McR married Griffin Amos, 25 7/8</p>	<p>McR Louisa Amos, 11</p>
<p>McR married Lillie Houtubee, 25 full</p>	<p>McR Sickiness Thomas, 7</p>
<p>McR married George Bull 27, full (See McR 5170)</p>	<p>McR Sickiness Thomas, 7</p>
<p>McR married Bettie Amos, 20 7/8</p>	<p>McR Sickiness Thomas, 7</p>
<p>McR married Pink Bull (separated)</p>	<p>McR Sickiness Thomas, 7</p>

Alex Bell, 72 dead

wife
Sallie Bell, f. 6. Dead

met
Caroline Bell 54, 3/4

married
Sampson Tubbee, full
(see 4869)

met
4870
Will Tubbee, 35 7/8

wife
O Seawi, dead

2 Becky Tubbee, full 17
met 4871

Wait or Wade Tubbee, full 2.
married

x O Nancy Isaac, 28, full
x Includes: can met 4872

x 2 Ediza Sam

met
Mathe Tubbee, 28, full
married

Oscar Sam, 38 full

met
Dick Tubbee, 25 7/8

wife
Lily Tubbee, (see met 4873)

Lucy Tubbee, dead

met
Ed. Willis,
met 4874

met
4875
Lonnie Tubbee full 23
married

x Hickman Thomas, 28 full
x refers to met 4876

met
4870
Simpson Tubbee, 15

Emmett Tubbee, 13

Lee Tubbee, 8

Ed Tubbee, 6

met
4871
Eben Tubbee, 5

x Sawil Wait, 15

x Liza Wait, 13.

x Includes: consolidated case
met 1985

met
4872
Pat Tubbee, 10

Leafie Tubbee 5

Sidney Tubbee 8

met
Jimsie Sam, 12

met
4873
Bill Willis, 6

met
4874
Thomas (F) 7 mos

REFER TO M. C. R. 5156

Wash Bell et al

Consolidated Case

wrtt. Bell, 50 full

mch 4873 Minnie Stribbling, 25 7/8 married	mch 4873 Fannie J
① Adam Jim, full. L	" Sallie Tho
② Hickman Thomas, full. L ③ Gibson Walter, full L * 1/2 1892	" Nicey Ann
mch 4873 Buddy Stribbling 19 7/8 wife * Malissa Strubbling 23 full * Father Philip Strubbling, 1 ...	

Lebe Bell 50, 3/4 full
married
Stribbling, head

Calvin Isom, 45 full

Wesley Bell ?

CORRECTION

THIS DOCUMENT
HAS BEEN
REPHOTOGRAPHED
TO ASSURE
LEGIBILITY

^{met}
5024
Jewett Bell, 50 full

^{met}
4873
Minnie Stribbling, 25 7/8
married

^{met}
4873
Fannie Jim, 5

Alex Bell, 1/2 dead
wife
Sallie Bell, 1/2 dead

^{met}
4941
Phoebe Bell, 50, 3/4 full
married

- ① Adam Jim, full L
 - ② Hickman Thomas, full L
 - ③ Gibson Waiter, full L
- x Wife... met 4872

- Sallie Thomas, 6
- Nacey Ann Waiter, 1

- ① Stribbling, Dead
- ② Calvin Doon, 45 full

^{met}
4872
Buddy Stribbling 19 7/8
wife
x Malissa Strubbling 23 full
x Father Philip; Mother, ...

Wesley Bell

By Debbie Harris

FOR IDENTIFICATION AS R.5156
A MISSISSIPPI CHOCTAW.

Wash Bell et al

RELINQUISH TO M. C. R.

- 5157. Lulu Bell
 - 5158. Edna Bell
 - 5159. Albert Isom, et al
 - 5168. Sallie Bell, et al
 - ~~5167~~ ~~Cattie Bell~~
 - 5166 Jane Bell
- Also

See mass for ...

~~5088, 4778, 4881, 5037, 4512, 5170,~~
~~5080, 5169, 5171, 4869~~
 4852, 4847, ~~4871,~~ 4814
~~4871,~~ 4873, 4874

Handwritten notes, possibly including names and numbers, mostly illegible due to fading and bleed-through.

For Identification as a Mississippi Choctaw.

Scale, Miss.

Date APR 1

Name Wash Bell

Age 70 Blood 3/4

Post Office, Aden, Miss

Father Robert Bell (1/2) d

Mother - dont know - d

Claims through wife Winnie Bell (full) 60

Father Mark - d

mother Sokey " d

Children:

Nash Bell 19

Martha " 12

Johnnie " (17) 7

Stenographer

R. S. Streit

Choctaw MCR 5157

Lulu Bell.

See MCR 321

MCR 5157

M. C. R. 5157.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Philadelphia, Mississippi February 2, 1899.

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

Wash Bell being first duly sworn testifies as follows:

I am 63 years old, and am three-fourths Choctaw. My mother was a full blood and my father was a half white man. My wife is a full blood Choctaw. Her name is Winnie, and she is about 45 years old. We have the following children: Lulu, 23; Edna, 21; Hasy, 18; Nash, 19; Martha, 12; and Johnnie, 7 years old. My full brother is named Hargas Bell. He is about 50 years old. His wife is a full blood named Sallie, about 60 years old. They have the following children: Callie, 22; Rufus, 14; and Namus, 13 years old.
(Full Blood)

112

COPY.

M C R 5157

Muskogee, Indian Territory, September 27, 1904.

Lulu Bell,

Aden, Mississippi.

Dear Madam:

Enclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying you as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), in order for the persons so identified to avail themselves of the benefits thereof they 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 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

L B 8

making proof of your removal to and settlement within the Choctaw-
Chickasaw country, at the earliest practicable date.

Respectfully,

(SIGNED) *Tame Bibby.*

Registered.

Chairman.

Enc. M C R 5157

For Identification as a Mississippi Choctaw.

Scale, Miss. Date

Name Lulu Belle

Age 25 Blood 7/8

Post Office, Aden, Miss.

Father: Wash Bell S

Mother Winnie "

Claims through

Children:

Stenographer

L. L. Hill

Choctaw MCR 5158

Edna Bell

See MCR 321, 5156

MCR 5158

M. C. R. 5158.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Philadelphia, Mississippi February 2, 1899.

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

Wash Bell being first duly sworn testifies as follows:

I am 63 years old, and am three-fourths Choctaw. My mother was a full blood and my father was a half white man. My wife is a full blood Choctaw. Her name is Winnie, and she is about 45 years old. We have the following children: Lulu, 23; Edna, 21; Hasy, 18; Wash, 19; Martha, 12; and Johnnie, 7 years old. My full brother is named Hargus Bell. He is about 50 years old. His wife is a full blood named Sallie, about 60 years old. They have the following children: Callie, 22; Rufus, 14; and Hamus, 13 years old.
(Full Blood)

5158

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, April 4, 1902.

Edna Bell

In the matter of the application of Wash Bell for the identification of himself, his wife, Winnie, and three minor children, Nash, Martha and Johnnie, as Mississippi Choctaws, represented by Dibbin Marris.

Dibbin 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 Dibbin Marris.
- Q How old are you? A Sixty.
- Q What's your post office address? A North Bend, Mississippi.
- Q Do you live in Neshoba County? A Yes, sir.
- Q How much Choctaw blood have you? A One half.
- Q You have heretofore appeared before the Commission in your own behalf? A Yes, sir.
- Q And have this day appeared before the Commission in behalf of your invalid son, Marris Marris? A Yes, sir.
- Q Are you acquainted with a Choctaw by the name of Wash Bell?
- A Yes.
- Q How long have you known him? A I have been knowing him about fifty years, I reckon.
- Q Is he any relation to you? A My last wife, Jennie's full brother.
- Q About how old a man is Wash? A About seventy, I reckon.
- Q How much Choctaw blood has he? A Three quarters.
- Q Where does he live? A He lives in Neshoba County.
- Q North of Pearl River? A Yes.
- Q What's his post office address? A Aden, Mississippi.
- Q How long has Wash lived in Neshoba County? A All his life.
- Q Is his father living? A No.
- Q What was his name? A Robert Bell.
- Q Is his mother living? A No, died.
- Q What was her name? A I don't know.
- Q Was Wash's mother a full blood Choctaw? A Yes.
- Q And Robert was one-half Choctaw and one-half white? A Yes.
- Q Do you know the name of any one of Wash's grand parents? A I don't know.
- Q So far as you know have all of Wash's ancestors always lived here in Mississippi? A Yes.
- Q Is Wash married? A Yes.
- Q Living with his wife now? A Yes.
- Q What's her name? A Winnie.
- Q Is she a full blood Choctaw? A Yes.
- Q Always lived in Mississippi? A Yes.
- Q How long has she and Wash been living together? A About twenty five years.
- Q How old is Winnie about? A About sixty.
- Q Was she ever married before she married Wash? A No.
- Q Was Wash ever married before he married her? A Yes, Wash married,

Wash Bell, et al., 2.

another woman and had one child, and his wife died.

Q Is that child living? A Dead.

Q Did he leave any children? A No.

Q Is Winnie's father living? A Dead.

Q What was his name? A Mark.

Q Was he a full blood Choctaw? A Yes.

Q Live here in Mississippi all his life? A Yes.

Q Did he have any other name besides Mark? A That's all I ever heard of.

Q Do you know the name of Mark's father, or his mother? A No.

Q Is Winnie's mother living? A Dead.

Q What was her name? A Sookkey.

Q Did she have a Choctaw name? A No.

Q Did she live here in Mississippi all her life? A Yes.

Q Do you know the names of her parents? A Don't know.

Q So far as you know, have all of her ancestors been full blood Choctaws? A Yes.

Q And have always lived in Mississippi? A Yes.

Q Is she a full sister of Mingo Mark? A Yes, sir.

Q Have Wash and Winnie any children who are of age or married?

A One of age and married

Q And he has got two of age at home? A Yes.

Q The married one is named Hasey and she is now the wife of Albert Isom? A Yes.

Q The two who are of age and living at home are Lulu and Edna?

A Yes.

Q Now have they any minor children living with them? A Three.

Q What are their names and ages? A Nash.

Q About nineteen? A Yes.

Q Martha? A Martha and Johnnie.

Q About how old is Martha? A About twelve.

Q How old is Johnnie, seven? A About seven years old.

Q Johnnie a boy? A Yes.

Q These three are the children of Wash and Winnie, are they? A Yes.

Q Have they any other children living with them besides those whom you have named? A No.

Q Any old folks living with them? A No, just hiw own folks.

Q Are Lulu and Edna and Hasey all three the children of Wash and Winnie Bell? A Yes.

Q Lulu and Edna have neither one of them ever been married? A No.

Q Do you know whether any application of any description has ever been made to the Commission for Wash, or any of his family? A I heard he went three years ago ~~za~~ at Philadelphia.

The records of the Commission show that on the second day of February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Wash Bell, his wife, Winnie, and six minor children, Lulu, Edna, Nash, Hasey, Martha and Johnnie, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 321; also, upon page 78 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 14 of the treaty of Dancing

Wash Bell, et al., 3.

Rabbit Creek, being Numbers 1130, 1131, 1132, 1133, 1134, 1135, 1136 and 1137, respectively, thereon.

Q Is this application made for these persons at Philadelphia three years ago the only application of any kind that has ever been made for them for the purpose of establishing their rights as Choctaw Indians? A I think that's the only one.

Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you not? A Yes.

Q Do you know whether any of the ancestors of Wash, or his wife, ever complied or attempted to comply with its provisions, or ever received any benefits under that article? A I don't know.

Statement by Commission:

Special reference is hereby made to the testimony of Dibbin Marris, given before the Commission on this date in support of the application of his son, Marris Marris, for identification as a Mississippi Choctaw, it appearing from said testimony that the Robert Bell, the father of Wash Bell, received some land in Neshoba County, Mississippi, from the Government of the United States before the affiant, Dibbin Marris, was born; that a part of said land is now owned by Wash Bell.

Q Do you know whether any of the ancestors of Winnie Bell owned an improvement here in the old Choctaw Nation, in Mississippi and Alabama, at the time the treaty of Dancing Rabbit Creek was made? A I don't know.

Q Do you know whether any of them removed 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 none of Winnie's ancestors anyhow.

Q Do you know whether 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 Do you know whether any of them ever claimed or received 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 Do you know whether any of them appeared before the Commissioners appointed under the acts of Congress approved March 3, 1837, February 22, 1838, or August 23, 1842, and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

Q Do you know whether any of them ever got any scrip from the Government under the Act of Congress approved August 23, 1842? A I don't know.

Q Do you know any old person living who would likely know whether any of the ancestors of Winnie 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 it? A I don't know.

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

Wash Bell, et al., 4.

- Q About how old is Lula, the daughter of Wash Bell? A She is probably twenty five or six years old.
- Q About how old is Edna? A She would be-if the other is twenty five or six, she's twenty three or four years old.
- Q Has Wash any brothers living? A No.
- Q Has he any brothers dead who left children? A Yes, I think about two.
- Q What are their names? A One was Harges; he left a wife, Sallie, and children, Callie, Rufus and Namus, who is now dead.
- Q Is Callie married? A No, aint married.
- Q What was the name of the other brother of Wash who left children? A No other brother left children.
- Q You were mistaken a while ago, then? A Yes, I was mistaken.
- Q How many sisters has he living? A One.
- Q What's her name? A Jane Bell.
- Q Is she married? A No. Q/Has she ever been married? A No.
- Q Where does she live? A Close to Trigger.
- Q Has she ever been before the Commission? A No.
- Q Does she live among Choctaws or with white people? A Yes, live with Choctaws. Lives with Robert Tubbee.
- Q In Winston County? A Yes.
- Q Now, is that the only one of Wash's sisters who is living? A Yes.
- Q Has he any sisters dead besides your wife? A Yes.
- Q Did any of those sisters leave children? A Yes, one of them left children.
- Q What was her name - the one that left children? A Sabelia.
- Q Are any of her children living now? A Yes, Moseley Marris, who is the son of my brother, Watson Marris.
- Q Is that all? A Tom Kate.
- Q Is that all? A Yes, that's all.
- Q Did Robert Bell, ever have any brothers or sisters - Wash's father? A I don't know.
- Q Has Winnie any brothers or sisters living? A Yes, one brother, Mingo Mark.

(From the testimony of Dibbin Marris, who bears the reputation of being a thoroughly reliable Choctaw, there can be no doubt that Wash Bell is a three quarters blood Choctaw, and his wife, Winnie, is a full blood. This man Bell lives across Pearl River from the camp of the Commission, and had signified his intention of appearing before the Commission, but owing to the extremely high water, it is impossible for him to cross Pearl River, and at best it would not be possible for him to cross the river for at least ten days.)

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 4th day of April, 1902, and that the above and foregoing is a full, true and correct translation

Wash Bell, et al., 5.

of his stenographic notes of said proceedings in said cause upon said date.

(Signed) R. S. Streit.

Subscribed and sworn to before me at Meridian, Mississippi, this 14th day of April, 1902.

(Signed) L. B. Moseley,
Clerk U.S. Circuit Court,
Southern District of Mississippi,

(Seal)

By J. P. Walker,
Deputy.

United States of America,) :
Indian Territory, :
Northern District.)

I, R. S. Streit, on oath state that I have this day carefully compared the above and foregoing with the original transcript of my stenographic notes taken at Seale, Mississippi, on the fourth day of April, 1902, in this cause, and which is now on file in the case of Wash Bell, et al., and that the foregoing is a full, true and correct copy of said original transcript.

R. S. Streit
Subscribed and sworn to before me at Muskogee, Indian Territory, this 18th day of June, 1902.

L. V. Emerson
Notary Public.

MERIDIAN, MISSISSIPPI, October 6, 1903.

Edna Bell,

Aden, Mississippi.

Dear Madam:-

It appears from the records of the Commission that on April 4, 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 the purpose. You will find me at the Federal Building between the hours of 8 A. M. and 6 P. M.

Very respectfully,

No. 117---MCR 5158

Special Agent.

Meridian, Mississippi, November 30, 1903.

Edna Bell,

Aden, Mississippi.

Dear Madam-

Under date of October 6, 1903, the following letter was written to you:

It appears from the records of the Commission that on April 4, 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 117

Special Agent.

COPY.

M C R 5158

Muskogee, Indian Territory, September 27, 1904.

Edna Bell,

Aden, Mississippi.

Dear Madam:

Enclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying you as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), in order for the persons so identified to avail themselves of the benefits thereof they 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 person herein named, 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-

EB 2

Chickasaw country, at the earliest practicable date.

Respectfully,

James Bixby.

(SIGNED)

Registered.

Chairman.

Enc. M C R 5158

For Identification as a Mississippi Choctaw.

Sealed Miss.

Date APR 1 1911

Name Edna Belle

Age 23 Blood 7/8

Post Office, Aden, Miss.

Father: Wash Belle L

Mother: Nannie L

Claims through

Children:

Stenographer

R. L. Strait

Choctaw MCR 5159

Albert Isom

See MCR 338, 321, 5156

MCR 5159

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

-cOo-

In the matter of the application for the identification of
Albert Isom, et al., as Mississippi Choctaws.

-cOo-

Herein is the record in the matter of the application for
the identification of Albert Isom, et al., as Mississippi
Choctaws, M.C.R. 5159.

-cOo-

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

-oOo-

In the matter of the application for the identification of
Albert Isom, et al., as Mississippi Choctaws, M.C.R. 5159.

--: I N D E X :--

	(Page)
Original application for the identification of Albert Isom, et al., to the Dawes Commis- sion for identification as Mississippi Choc- taws-----	1
Decision of the Commission identifying Albert Isom as a Mississippi Choctaw-----	4

-oOo-

5139
Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, April 4, 1902.

In the matter of the application of Albert Isom for the identification of himself and his wife, Hasey, as Mississippi Choctaws, represented by Dibbin Marris.

Dibbin 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 Dibbin Marris.
Q How old are you? A Sixty.
Q What's your post office address? A North Bend, Mississippi.
Q Do you live in Neshoba County? A Yes, sir.
Q How much Choctaw blood have you? A One half.
Q You have heretofore appeared before the Commission in your own behalf? A Yes, sir.
Q And have this day appeared before the Commission in behalf of your invalid son, Marris Marris? A Yes, sir.
Q Are you acquainted with a Choctaw by the name of Albert Isom? A Yes, I have seen him a few times.
Q Is he a full blood Choctaw? A Yes.
Q About how old a man is he? A About twenty two.
Q Where does he live? A Northern part of Neshoba County.
Q What's his post office address? A Fusky, Mississippi.
Q Has he lived in Mississippi all his life? A Yes.
Q Do you know the name of his father? A Henry Isom.
Q Was he a full blood Choctaw? A Yes.
Q Did he have a Choctaw name? A I don't know.
Q Do you know the name of his father? A Old Isom.
Q Did he have a Choctaw name? A Cun-ne-tambee.
Q Do you know the name of Henry's mother? A Don't know.
Q Do you know the name of Albert's mother? A Sibbie.
Q Was she a full blood Choctaw? A Yes.
Q How long has she been dead? A About ten years, I reckon.
Q Do you know the names of her parents? A Don't know.
Q So far as you know, have all of Albert's ancestors been full blood Choctaw Indians? A Yes.
Q They all lived here in Mississippi always? A Yes.
Q Is Albert married? A Yes.
Q What's his wife's name? A Hasey.
Q Living together now? A Yes.
Q How long have they been living together? A Been married not long ago.
Q Was Albert ever married before he married her? A No, I reckon not.
Q Was she ever married before she married him? A No.
Q About how old is Hasey? A About fifteen or sixteen I reckon.
Q How much Choctaw blood has she? A Seven eighths.
Q Is her father living? A Yes.
Q What's her name? A Wash Bell.

Albert Isom, et al., 2.

Q Is her mother living? A Yes.

Q What's her name? A Winnie.

Q You have appeared before the Commission this morning and given in your testimony in regard to the application of Wash Bell and Winnie, and their children, have you not? A Yes.

Statement by Commission:

Special reference is hereby made to the testimony of Dibbin Marris, given before the Commission today in support of the application of Wash Bell, wife, and children, as Mississippi Choctaws.

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

Q Do you know whether any of the ancestors of Albert Isom ever complied or attempted to comply with the provisions of that 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A Don't know.

Q Do you know whether any of them ever appeared before the commissioners appointed under the Acts of Congress approved August 23, 1842, March 3, 1837, or February 22, 1838, and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, I don't know.

Q Do you know whether any of them ever got any scrip from the Government under the Act of Congress of August 23, 1842? A No, don't know.

Q Do you know whether any application of any description has ever been made before today for Albert Isom, or his wife, Hasey, for the purpose of establishing their rights as Choctaw Indians? A Yes, three years ago at Philadelphia.

The records of the Commission show that on the second day of February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Wash Bell, his wife, Winnie, and six minor children, Lulu, Edna, Nash, Hasey, Martha and Johnnie, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 321; also, upon page 78 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands, in Indian Territory, under the 14th article of the treaty of Dancing Rabbit Creek, being number 1135 thereon.

The records of the Commission further show that on the 4th day of February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Albert Isom as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw Card, Field Number 330; also, upon page 80 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 provis-

Albert Isom, et al., 3.

ions of the 14th article of the treaty of Dancing Rabbit Creek, being number 1197 thereon.

- Q Do you know of any old person living who would likely know whether any of the ancestors of Albert Isom 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.
- Q You don't know of any written evidence of any kind which would prove or tend to prove such a state of facts, do you? A I don't know.
- Q Has Albert any brothers living? A I think one of his brothers is living.
- Q What's his name? A Robert.
- Q Has he any sisters living? A I don't know.
- Q Has he any brothers or sisters dead who left children? A I don't know.
- Q Are any of his father's brothers living? A Yes, one living, I think, Calvin Isom.
- Q Has he any brothers dead who left children? A No.
- Q Has he any sisters living? A No.
- Q Has he any sisters dead who left children? A I don't know much about his people.
- Q Has Albert's mother and brothers living? A I think all dead.
- Q Did any of them leave children? A I don't know.
- Q Did she ever have any sisters? A I don't know.

(It is evident from the testimony of Dibbin Marris, who bears the reputation of being a thoroughly reliable Indian, that Albert Isom is a full blood Indian, and that his wife, Hasey, is a seven eighths blood Choctaw; that they are now living near Fusky, in Neshoba County, Mississippi. The Commission has reason to believe that he has knowledge of the presence of the Commission at this place, and that he would appear before the Commission were it not impossible to do so on account of the extremely high water.)

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 4th day of April, 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 Meridian, Mississippi, this 15th day of April, 1902.

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

By *J. M. Smith*

Deputy.

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

-oOo-

In the matter of the application for the identification of
Albert Isom, et al., as Mississippi Choctaws, M.C.R. 5159.

---: 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 4, 1902, by Dibbin Marris for Albert Isom and his wife,
Hasey Isom, 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 Albert Isom is a full-blood Mississippi Choctaw
Indian. The other applicant is a mixed-blood Choctaw, and as such
does not come within the purview of Section forty-one of the act of
Congress approved July 1, 1902, (32 Stats., 641). Whatever rights

(2)

as a Mississippi Choctaw she may possess by reason of being a mixed-blood Choctaw 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:

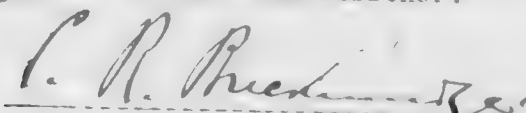
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants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

MERIDIAN, MISSISSIPPI, September 28th, 1903

Albert Ison,

Fusky, Mississippi.

Dear Sir:

It appears from the records of the Commission that on April 14th, 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.

No. 56
M C R 5186

Very respectfully,

Special Agent

Meridian, Mississippi, November 24, 1903.

Albert Isom,

Fusky, Mississippi.

Dear Sir-

Under date of September 28, 1903, the following letter was written to you:

It appears from the records of the Commission that on April 4, 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 55

Special Agent.

M.C.R. 5159

Muskegee, Indian Territory, May 20, 1904.

Albert Isom,

Fusky, 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., 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 Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

W. C. C. 5159

Registered.

Commissioner in Charge.

Incl. MCR 5159.

Muskogee, Indian Territory, May 20, 1904.

Dibbin Marris,

Ardmore, Indian Territory,

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on May 20, 1904, rendered its decision identifying Albert Isom 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,

(S. C. R.)

[Signature]
Commissioner in Charge.

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 Albert Isom 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 Albert Isom 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)

[Signature]

Commissioner in Charge.

Registered.

Incl. MCR 5159.

OPY:

M C R 5159

Muskogee, Indian Territory, September 27, 1904.

Albert Isom,

Tusky, Mississippi.

Dear Sir:

Enclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying you and your child, Hasey Isom, as Mississippi Choctaws.

Under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), in order for the persons so identified to avail themselves of the benefits thereof they 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 making proof of your removal to and settlement within

A I 2

the Choctaw-Chickasaw country, at the earliest practicable date.

Respectfully,

SIGNED

Jame Bixby.

Registered.

Chairman.

Enc. M C R 5159

COPY.

M.C..R. 5159

Muskogee, Indian Territory, September 27, 1904.

Albert Isom,

Tusky, Mississippi,

Dear Sir:

Inclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying your minor child, Hasey Isop, as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 941), in order for the person so identified to avail himself of the benefits thereof he 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 person herein named, 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 Hasey Isom 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

A. I. 2

Making proof of his removal to and settlement within the Choctaw-Chickasaw country, at the earliest practicable date.

Respectfully,

SIGNED: *James Bixby.*

Chairman.

Registered.

Incl. M.C.R. 5159.

For Identification as a Mississippi Choctaw.

Scale Miss Date APR 1 1902

Name Albert Isaac

Age 22 Blood free.

Post Office, Fucky, Miss.

Father: Henry Isaac d

Mother: Sibbie " d

Claims through

wife Hassen Isaac 16
father Noah Bell f
mother Nannie f

Children:

Father's father Oun ne lum-bee d

Stenographer

P. A. Trout

Choctaw MCR 5160

Bill Wallace

MCR 5160

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

-oOo-

In the matter of the application for the identification of
Bill Wallace as a Mississippi Choctaw.

-cOo-

Herein is the record in the matter of the application for
the identification of Bill Wallace as a Mississippi Choc-
taw, M.C.R. 5160.

-cOo-

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

-oOo-

In the matter of the application for the identification of
Bill Wallace as a Mississippi Choctaw, M.C.R. 5160.

--: I N D E X :--

)Page)
Original application of Bill Wallace to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Decision of the Commission identifying Bill Wallace as a Mississippi Choctaw-----	4

-cOo-

5/60

Ident of.

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, April 4, 1902.

In the matter of the application of Bill Wallace for
identification as a Mississippi Choctaw, represented by Dibbin
Marris.

Dibbin 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 Dibbin Marris.
- Q How old are you? A Sixty.
- Q What's your post office address? A North Bend, Mississippi.
- Q Do you live in Neshoba County? A Yes, sir.
- Q How much Choctaw blood have you? A One half.
- Q You have heretofore appeared before the Commission in your own
behalf? A Yes, sir.
- Q And have this day appeared before the Commission in behalf of
your invalid son, Marris Marris? A Yes, sir.
- Q Are you acquainted with a Choctaw by the name of Bill Wallace,
who lives on Mr. Steve Copeland's place, in Neshoba County? A
Acquainted with it ever since it's been here.
- Q How long has he lived here in Neshoba County? A About five years.
- Q Where did this boy live before he came to Neshoba County?
A Come from Yazoo swamp here.
- Q About how old a boy is Bill Wallace? A Eleven or twelve.
- Q Is he a full blood Choctaw? A Yes.
- Q What's his post office address? A North Bend, Mississippi.
- Q With whom does he live? A Lives with Enoch Elis.
- Q Is his father living? A Dead.
- Q What was his name? A Wilson Wallace.
- Q He was a full blood was he? A Yes.
- Q Lived in Mississippi all his life? A Yes.
- Q Do you know the name of his father, or his mother? A Know his
mother's.
- Q What is her name? A Becky Charlie.
- Q Is Bill's mother living? A No.
- Q What was her name? A I don't know.
- Q So far as you know, have all of the ancestors of this boy been
full blood Choctaws? A Yes.
- Q Always lived here in Mississippi? A Yes.
- Q Has he any brother or sisters living that you know of? A Three
sisters living.
- Q What are their names? A Mosely Marris' wife is one of them; don't
know the other two.
- Q Where do they live? A Wife of Sweeney Amos lives right over here.
- Q You know her name, don't you? A I can't think of her name.
- Q Where does the other one of these sisters live? A Across the riv-
er.
- Q With whom? A With Mosely.

Bill Wallace, 2.

- Q How long has she been living with him? A Lived there since Christmas.
- Q Where did she live before that? A She is the wife of Enoch Elis.
- Q Do you know what her name is? A I can't think of her name.
- Q Has she any children? A No.
- Q About how old is she? A She is about sixteen or seventeen.
- Q Is she a full sister of Bill Wallace? A Yes.
- Q What's Mosely's post office address? A Same as his father.
- Q Aden, Mississippi? A Yes.
- Q Do you know whether any application of any description has ever been made for either Bill Wallace or his sister, the wife of Enoch Elis, for the purpose of establishing their rights as Choctaw Indians? A I don't know.
- Q Did you ever hear of such an application having been made? A No never heard.
- Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you? A Yes.
- Q Do you know whether any of the ancestors of Bill Wallace ever complied or attempted to comply with its provisions, or ever received any benefits under that article? A I don't know.
- Q Do you know whether any of them lived in the old Choctaw Nation, in Mississippi and Alabama, or owned an improvement here at the time the treaty was made, seventy one years ago? A Don't know.
- Q Do you know whether any of them removed 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 Do you know whether 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 Do you know whether any of them ever claimed or received any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Don't know.
- Q Do you know whether any of them appeared before the Commissioners appointed under the Act of Congress approved March 3, 1837, February 22, 1838, or August 23, 1842, and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Do you know whether any of them ever received any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A I don't know anything about that.
- Q Do you know of any old person living who would likely know whether any of the ancestors of Bill Wallace 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.
- Q Are any of Bill's father's brothers or sisters living? A No.
- Q Any of the children of any of them living? A I don't know - just Bill's father's brother only one living, father's brother's son.
- Q What's the name of that brother? A Wallace.
- Q Is that all the name he had? A All I ever heard.

Bill Wallace, et al 3.

- Q What's the name of his son, who is now living? A Ikeness Wallace.
Q Are any of Bill's mother's brothers or sisters living? A No.
Q Any of the children of any of them living? A No.

(From the testimony of Dibbin Marris, who bears the reputation of being a thoroughly reliable Choctaw, there can be no doubt that Bill Wallace is a full blood Choctaw, living in Neshoba County, Mississippi; that his sister, whose given name is not known by Dibbin Marris, but who is the wife of Enoch Elis, from whom she is now separated, lives in Neshoba County, Mississippi, and is a full blood Choctaw. So far as the records of the Commission show, no application of any description has ever been made for Bill Wallace or his sister hereinabove referred to.)

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 4th day of April, 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 Meridian, Mississippi,
this 18th day of April, 1902.

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

By

W. H. Smith

Deputy.

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

-oOo-

In the matter of the application for the identification of
Bill Wallace as a Mississippi Choctaw, M.C.R. 5160.

---: 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 April 4, 1902, by Dibbin Marris, for Bill 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 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 Bill Wallace 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 Bill Wallace 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.

MAY 25 1904

MERIDIAN, MISSISSIPPI, October 8, 1903.

Bill Wallace,

North Bend, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on April 4, 1902, application was made for the identification of yourself 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 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. 122 MCR 5160

Special Agent.

Meridian, Mississippi, November 30, 1903.

Bill Wallace,

North Bend, 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 April 4, 1902, application was made for the identification of yourself 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 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,

M C R 5160

Muskogee, Indian Territory, February 29, 1904.

Bill Wallace,

Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, asking the status of your application for identification as a Mississippi Choctaw.

Our records show that you have never personally appeared before this Commission, but that on April 4, 1902, at Seale, Mississippi, Dibbin Marris made application for your identification as a Mississippi Choctaw. Therefore, you are requested to appear before the Commission at its office at Atoka, Indian Territory, at the earliest practicable date and give additional testimony in support of your claim.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 29, 1904.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

Relative to the Mississippi Choctaw case of Bill Wallace, you are advised that our records show that on April 4, 1902, at Seale, Mississippi, application was made by Dibbin Marris for the identification of Bill Wallace as a Mississippi Choctaw.

The Commission is to-day in receipt of a letter from Bill Wallace, who now appears to be at Kiowa, Indian Territory, asking the status of his case, and he has been notified that it would be necessary for him to appear before your office for the purpose of giving additional testimony in support of his claim.

For the purpose of assisting you in taking such evidence there is herewith enclosed you a certified copy of the testimony given by Dibbin Marris when he made application for the identification of Bill Wallace as a Mississippi Choctaw.

Respectfully,

M.C.R. 5160

Muskogee, Indian Territory, May 5, 1904.

Bill Wallace,

Kiowa, Indian Territory,

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 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 5, 1904, and must make proof of such removal and settlement on or before May 5th, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Commissioner in Charge.

Registered.

Enc. MCR 5160.

M.C.R. 5160.

Muskogee, Indian Territory, May 5, 1904.

Dibbin Harris,
North Bend, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 5, 1904, rendered its decision identifying Bill Wallace 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 himself 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,

Commissioner in Charge.

COPY. M.C.R. 5160

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 Bill Wallace 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 Bill Wallace 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)

Registered.

No. MCR 5160.

E. D. Woodson

Commissioner in Charge.

G 2152

Muskogee, Indian Territory, January 12, 1907.

Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

I am in receipt of your telegram of January 8th and your letter of January 9th, 1907, replying to my telegraphic inquiry concerning the testimony relative to the removal and settlement within the Choctaw-Chickasaw country, of Bill Wallace, schedule of identified Mississippi Choctaws, number 2152, identified Mississippi Choctaw card No. 768.

In your letter of the 9th instant you report that after a thorough search of the records of your office and the stenographic note books, you are unable to find any testimony of the removal to and settlement within the Choctaw-Chickasaw country of the said Bill Wallace.

You further report that the records of your office show that on April 17, 1905, T. E. Spears, of Mill Creek, Indian Territory, appeared before the Chickasaw Land Office and presented letters of guardianship appointing him guardian of the said Bill Wallace, and that on the same date a citizenship certificate was issued in the name of Bill Wallace, represented by his guardian,

Chickasaw Land Office 2

T. E. Spears, and that an allotment of land was selected by Spears for the said Bill Wallace, on April 18, 1905.

It is further reported that the notation upon identified Mississippi Choctaw card No. 768, giving the settlement address of Bill Wallace as Mill Creek, Indian Territory, and the date of submission of proof of his settlement April 17, 1905, appears to be the handwriting of William C. Bunn, who was on April 17, 1905, occupying the position of roll clerk in your office.

I find from an examination of the records of this office in reference to Bill Wallace, that application was made for his identification as a Mississippi Choctaw to the Commission to the Five Civilized Tribes at Seale, Mississippi, on April 4, 1902, by Dibbin Marris. A copy of the testimony of April 4, 1902, is enclosed herewith for the information of your office. It appears from said testimony that at the time of the submission of the application Bill Wallace was about eleven or twelve years of age and the child of Wilson Wallace, deceased, and Becky Charlie, deceased, and he was at that time living at North Bend, Mississippi, with Enoch Ellis.

The applicant, Bill Wallace, was identified as a full blood Mississippi Choctaw Indian by a decision of the Commission to the Five Civilized Tribes of May 5, 1904. It appears, however, that prior to this date the said Commission received a letter from

Kiowa, Indian Territory, dated February 21, 1904, from one Bill Wallace, inquiring as to the status of his application for identification as a Mississippi Choctaw, and upon his identification notice thereof was directed to him at Kiowa, Indian Territory.

Subsequent inquiry has developed that the Bill Wallace who wrote from Kiowa, Indian Territory, on February 21, 1904, is not the Bill Wallace who was identified by the decision of the Commission to the Five Civilized Tribes of May 5, 1904.

There is no further record in this office of the said Bill Wallace until the report of your office of April 18, 1905, of an allotment to him of land located in Section 15, Township 1 South, Range 5 East, Chickasaw Nation, which allotment, as reported by you, was selected by T. E. Spears, of Mill Creek, Indian Territory, under letters of guardianship issued April 17, 1905, by the United States Court for the Southern District of the Indian Territory.

There appears to have been a serious oversight on the part of your office in permitting this selection on April 17, 1905, in neglecting to secure substantial proof of the fact that Bill Wallace had removed to and established a residence within the Choctaw-Chickasaw country, as provided by the Act of Congress approved July 1, 1902 (32 Stats., 641).

The Act of Congress approved June 21, 1906 (34 Stats., 325), provides, however, that -

Chickasaw Land Office 4

"No distinction shall be made in the enrollment of full blood Mississippi Choctaws who have been identified by the United States Commission to the Five Civilized Tribes, and who had removed to the Indian Territory, prior to March fourth, nineteen hundred and six, and who shall furnish proof thereof."

You are directed to immediately take the necessary steps to ascertain if the said Bill Wallace is now a bona fide resident of the Choctaw-Chickasaw country, Indian Territory; if so, when he removed and established such residence, and if he was a bona fide resident on April 17, 1905.

In view of the limited time in which the enrollment of Mississippi Choctaws can be approved by the Secretary of the Interior, you are directed to make this matter special. If necessary, resort to field investigation in order to determine whether or not the said Bill Wallace is entitled to the allotment selected for him on April 18, 1905, and to enrollment as a Mississippi Choctaw.

Respectfully,

Commissioner.

MoM 11/1

G 2152

Muskogee, Indian Territory, January 24, 1907.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

This office is in receipt of your letter of the 21st instant, transmitting copy of testimony given by Dibbin Marris before the Chickasaw land office at Ardmore, Indian Territory, January 18, 1907, relative to the removal to and settlement within the Choctaw-Chickasaw country of Bill Wallace, whose name appears upon Identified Mississippi Choctaw card No. 768, opposite number 2152.

The evidence submitted is not considered sufficient to warrant the enrollment of the applicant as a Mississippi Choctaw, and you are hereby instructed to proceed to Roff, Indian Territory, for the purpose of securing the personal testimony of Bill Wallace relative to his removal to and settlement within the Choctaw-Chickasaw country, Indian Territory. You should at the same time secure the testimony of two witnesses relative to Wallace's three years continuous residence.

Respectfully,

Commissioner.

G 2152

Muskegee, Indian Territory, February 6, 1907.

Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

Referring to your letters of January 21 and February 4, 1907, transmitting testimony in the matter of proof of the removal to and settlement within the Choctaw-Chickasaw country, Indian Territory, of Bill Wallace, Identified Mississippi Choctaw card No. ⁷⁶⁸ you are advised that the following notations have this date been placed on said card:

SETTLEMENT ADDRESS Hickory, I. T.

DATE OF PROOF OF SETTLEMENT January 31, 1907.

Proof of removal and settlement taken January 31, 1907, under provisions of Act of Congress approved June 21, 1906 (34 Stat., 325).

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Seale Miss. Date

Name Bill Wallace

Age 11 Blood full

Post Office, North Bend, Miss.

Father: Wilson Wallace d

Mother dont know

Claims through

Children:

fathers mother Becky Charlie L

Stenographer

R. A. Street

Choctaw MCR 5161

Enoch Elis

MCR 5161

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

-oOo-

In the matter of the application for the identification of
Mrs. Enoch Elis as a Mississippi Choctaw.

-oOo-

Herein is the record in the matter of the application for
the identification of Mrs. Enoch Elis as a Mississippi
Choctaw, M.C.R. 5161.

-oOo-

5169
Mrs Enoch Klis - 5761

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, April 4, 1902.

In the matter of the application of Bill Wallace for identification as a Mississippi Choctaw, represented by Dibbin Marris.

Dibbin 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 Dibbin Marris.
Q How old are you? A Sixty.
Q What's your post office address? A North Bend, Mississippi.
Q Do you live in Neshoba County? A Yes, sir.
Q How much Choctaw blood have you? A One half.
Q You have heretofore appeared before the Commission in your own behalf? A Yes, sir.
Q And have this day appeared before the Commission in behalf of your invalid son, Marris Marris? A Yes, sir.
Q Are you acquainted with a Choctaw by the name of Bill Wallace, who lives on Mr. Steve Copeland's place, in Neshoba County? A Acquainted with it ever since it's been here.
Q How long has he lived here in Neshoba County? A About five years.
Q Where did this boy live before he came to Neshoba County?
A Come from Yazoo swamp here.
Q About how old a boy is Bill Wallace? A Eleven or twelve.
Q Is he a full blood Choctaw? A Yes.
Q What's his post office address? A North Bend, Mississippi.
Q With whom does he live? A Lives with Enoch Klis.
Q Is his father living? A Dead.
Q What was his name? A Wilson Wallace.
Q He was a full blood was he? A Yes.
Q Lived in Mississippi all his life? A Yes.
Q Do you know the name of his father, or his mother? A Know his mother's.
Q What is her name? A Becky Charlie.
Q Is Bill's mother living? A No.
Q What was her name? A I don't know.
Q So far as you know, have all of the ancestors of this boy been full blood Choctaws? A Yes.
Q Always lived here in Mississippi? A Yes.
Q Has he any brother or sisters living that you know of? A Three sisters living.
Q What are their names? A Mosely Marris' wife is one of them; don't know the other two.
Q Where do they live? A Wife of Sweeney Amos lives right over here.
Q You know her name, don't you? A I can't think of her name.
Q Where does the other one of these sisters live? A Across the river.
Q With whom? A With Mosely.

Bill Wallace, 2.

Q How long has she been living with him? A Lived there since Christmas.

Q Where did she live before that? A She is the wife of Enoch Elis.

Q Do you know what her name is? A I can't think of her name.

Q Has she any children? A No.

Q About how old is she? A She is about sixteen or seventeen.

Q Is she a full sister of Bill Wallace? A Yes.

Q What's Mosely's post office address? A Same as his father.

Q Aden, Mississippi? A Yes.

Q Do you know whether any application of any description has ever been made for either Bill Wallace or his sister, the wife of Enoch Elis, for the purpose of establishing their rights as Choctaw Indians? A I don't know.

Q Did you ever hear of such an application having been made? A No never heard.

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

Q Do you know whether any of the ancestors of Bill Wallace ever complied or attempted to comply with its provisions, or ever received any benefits under that article? A I don't know.

Q Do you know whether any of them lived in the old Choctaw Nation, in Mississippi and Alabama, or owned an improvement here at the time the treaty was made, seventy one years ago? A Don't know.

Q Do you know whether any of them removed 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 Do you know whether 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 Do you know whether any of them ever claimed or received any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Don't know.

Q Do you know whether any of them appeared before the Commissioners appointed under the Act of Congress approved March 3, 1837, February 22, 1838, or August 23, 1842, and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

Q Do you know whether any of them ever received any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A I don't know anything about that.

Q Do you know of any old person living who would likely know whether any of the ancestors of Bill Wallace 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.

Q Are any of Bill's father's brothers or sisters living? A No.

Q Any of the children of any of them living? A I don't know - just Bill's father's brother only one living, father's brother's son.

Q What's the name of that brother? A Wallace.

Q Is that all the name he had? A All I ever heard.

Bill Wallace, et al 3.

- Q What's the name of his son, who is now living? A Ikeness Wallace.
Q Are any of Bill's mother's brothers or sisters living? A No.
Q Any of the children of any of them living? A No.

(From the testimony of Dibbin Marris, who bears the reputation of being a thoroughly reliable Choctaw, there can be no doubt that Bill Wallace is a full blood Choctaw, living in Neshoba County, Mississippi; that his sister, whose given name is not known by Dibbin Marris, but who is the wife of Enoch Elis, from whom she is now separated, lives in Neshoba County, Mississippi, and is a full blood Choctaw. So far as the records of the Commission show, no application of any description has ever been made for Bill Wallace or his sister hereinabove referred to.)

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 4th day of April, 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 Meridian, Mississippi,
this 18th day of April, 1902.

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

By *M. M. M.*

Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

-oOo-

In the matter of the application for the identification of
Mrs. Enoch Elis as a Mississippi Choctaw, M.C.R. 5161.

---: 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 Mrs. Enoch Elis, 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 Bill Wallace, M.C.R. 5160, with the evident intention of having the applicant herein appear before this Commission in person and testify relative to her rights as a Mississippi Choctaw, prior to the expiration of the 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,

she has failed to do so.

It is therefore the opinion of this Commission that the application for the identification of Mrs. Enoch Elis, as a Mississippi Choctaw, should be dismissed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

SEP 13 1904


Chairman.

Meridian, Mississippi, November 30, 1903.

Mrs Enoch Ellis,

Aden, Mississippi.

Dear Madam-

It appears from the records of the Commission that on April 4, 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 rights to identification as 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 115

Special Agent.

M.C.R. 5161

COPY.

Muskogee, Indian Territory, September 16, 1904.

Mrs. Enoch Elis,

Aden, Mississippi.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated September 16, 1904, dismissing your application for identification as a Mississippi Choctaw.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. MCR 5161

M.C.R. 5161

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 a Mississippi Choctaw of Mrs. *Eliza*.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Incl. MCR 5161

For Identification as a Mississippi Choctaw.

Wair ^{3/10/20} Date

Name ----- Elias

Age 16 Blood full

Post Office, Aden, Street

Father: Wilson Wallace d

Mother: don't know d

Claims through

Children:

the

fathers m. the Resto Tharice L

Stenographer

of Street

Choctaw MCR 5162

John Sockey

See MCR 337

MCR 5162

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

---o---

In the matter of the application of John Sockey, et al.,
for identification as Mississippi Choctaws, W.C.R. 5162.

--: I N D E X :--

	(Page)
Original application of John Sockey, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of John Sockey, -----	4
Decision of the Commission identifying John Sockey as a Choctaw Indian-----	7

---o---

5162

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, April 4th, 1902.

In the matter of the application of John Sockey for the identification of himself and his wife, Bettie, and three minor children, Maggie, Rafe and Ned, as Mississippi Choctaws, represented by Dibbin Marris.

Dibbin Marris, having been first duly sworn, upon his oath testified as follows: (Oscar Pilley, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Dibbin Marris.
Q How old are you? A Sixty.
Q What's your post office address? A North Bend, Mississippi.
Q Do you live in Neshoba County? A Yes, sir.
Q How much Choctaw blood have you? A One half.
Q You have heretofore appeared before the Commission in your own behalf? A Yes, sir.
Q And have this day appeared before the Commission in behalf of your invalid son, Marris Marris? A Yes, sir.
Q Are you acquainted with a Choctaw by the name of John Sockey?
A Yes.
Q How long have you known him? A All his life.
Q About how old is he? A About twenty eight.
Q Is he a full blood Choctaw? A Yes, I think so.
Q Where does he live? A Winston County.
Q What's his post office address? A Plattsburg.
Q Has he lived in Winston County all his life? A Yes.
Q What's - Is his father living? A No.
Q What was his name? A Father's name was Sockey; that's all I ever heard.
Q Is his mother living? A No.
Q What was her name? A I don't know.
Q Is John a full brother of Forgy Marris, the wife of George Marris?
A Yes.
Q Is John married? A Yes.
Q Wife living? A Yes.
Q What's her name? A Bettie.
Q About how old is she? A About twenty six I reckon.
Q Are they living together now? A Yes.
Q How long have they been living together? A Six or seven years.
Q Was Bettie married before she married John? A No.
Q Was John married before he married her? A No.
Q Bettie's father living? A Yes.
Q What's his name? A Watson Marris.
Q Bettie's mother living? A Dead.
Q What was her name? A I don't know.
Q Was she a full blood Choctaw? A Three quarters blood.
Q Is Bettie a full sister of George Marris, about whom you have just testified? A Yes.
Q Watson Marris is your full brother - Bettie's father? A Yes.

John Sockey, et al., 2.

- Q Have Bettie and John any children living with them? A Yes.
Q Three? A Yes.
Q Maggie, Rafe and Ned? A Yes.
Q Maggie is about six? A I reckon so.
Q Rafe about five and Ned about four? A Yes.
Q Is that all the children they have living with them? A I reckon so.
Q Are they all the children of John and Bettie? A Yes.
Q Have they any old folks living with them? A No.
Q Has any application of any description ever been made before today for John Sockey or his wife and children for the purpose of establishing their rights as Choctaw Indians? A Philadelphia, three years ago.

The records of the Commission show that during the month of February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of John Sockey, his wife, Bettie, and three minor children, Maggie, Rafe and Ned, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 337; also, upon page 80 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 1192, 1193, 1194, 1195 and 1196, respectively, thereon.

By Commission:

As to whether any of the ancestors of John Sockey, or his wife, Bettie, ever complied with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, reference is hereby made to the testimony of Dibbin Marris, taken before the Commission today in reference to the application of George Marris, et al., for identification as Mississippi Choctaws.

(John Sockey and his wife, Bettie, have at this time living near Plattsburg, in Winston County, Mississippi. Sockey has had information with reference to the presence of the Commission at this time for over two weeks, and has signified his intention of appearing before the Commission, but on account of the extremely high water for the past week, it has been impossible for him to do so, and it would not be possible for him to reach the camp of the Commission within at least ten days.)

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 4th day of April, 1902,

John Sockey, et al., 3.

and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Street
Subscribed and sworn to before me at Meridian, Mississippi,
this 18th day of April, 1902.

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

By *M. M. M.*

Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T. March 23, 1903.

5162

Additional Testimony

In the matter of the application of John Sockey et al., for identification as Mississippi Choctaws.

Appearances: J.G.Ralls, attorney for applicants.
John Sockey, principal applicant.

John Sockey being duly sworn testified as follows:

Examination by the commission:

- Q What is your name? A John Sockey.
Q How old are you? A Thirty two.
Q What is your post office address? A Noxapata; its Ardmore, I.T. now.
Q How long have you lived at Ardmore? A One month.
Q Where did you live before that? A In Winston County, Mississippi.
Q How long did you live there? A I was raised there.
Q Were you born there? A Yes sir.
Q Lived there all your life until you went to Ardmore? A Yes sir.
Q What is your father's name? A Cornelia Sockey.
Q Is he living? A No.
Q When did he die? A Fifteen years ago.
Q Was he a full blood? A Yes sir.
Q What is your mother's name? A Jinsy.
Q Is she living? A No.
Q When did she die? A About nineteen years ago.
Q Is she a full blood? A Yes sir.
Q All of your ancestors were full blood Choctaw Indians? A Yes sir.
Q What is your wife's name? A Bettie.
Q How old is Bettie? A About thirty.
Q What is her father's name? A Watson Marris.
Q What is her mother's name? A Rosa I believe.
Q How much Choctaw blood did Watson Marris have? A Half.
Q He is living is he not? A Yes .
Q How much Choctaw blood did Rosa have? A I think she was full-blood.
Q What are the names and ages of your children? A My oldest girl, Maggie is eight years old.
Q What is the next? A Rafe, six.
Q Next? A Ned, four.

4

This applicant is the identical John Sockey for whom application for identification as a Mississippi Choctaw was made to

this Commission at Seale, Mississippi, on April 4, 1902, by Dibbin Marris.

Q All of your Choctaw ancestors so far as you know were full blood Choctaw Indians? A Yes sir.

Q How much Choctaw blood do you claim your wife has? A I don't know.

Q Her father you say was half Choctaw? A Yes sir.

Q And her mother you think was full blood? A Yes sir.

Q Then she would have about three quarters? A Yes sir.

Q Do you know the name of Watson Marris' father or mother? A No.

Q Do you know the names of the parents of Rosa? A No.

Q You don't know anything about your wife's ancestry any farther back than her father or mother? A No.

Q You appear at this time to add your personal testimony to the application made for you by Dibbin Marris for identification as Mississippi Choctaws? A Yes.

Q You apply for identification as Mississippi Choctaws for u yourself, your wife and three minor children? A Yes sir.

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors or any of your wife's Choctaw ancestors ever went to the United States Indian agent in Mississippi within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in the old Choctaw Nation, take land there and become citizens of the States? A No sir.

Q Do you know whether any of your ancestors or your wife's Choctaw ancestors ever received any land in Mississippi from the Government of the United States under the provisions of article 14 of the treaty of 1830? A No sir.

Q Do you know whether any of your ancestors or your wife's ancestors ever received any scrip from the Government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas in lieu of the land which they had but which was taken from them? A No.

5
In 1837 and 1842 the Government appointed Commissions who went to Mississippi and heard a great many claims of Choctaws

under article 14 of the treaty of 1830 who claimed that they had complied with article fourteen of the treaty of 1830 but that their land had been taken from them by the Government and sold.

- Q Do you know whether any of your Choctaw ancestors or your wife's Choctaw ancestors appeared before either of these Commissions and attempted to establish their rights under the provisions of article 14 of the treaty of 1830? A No.
- Q When did you remove from Mississippi to the Indian Territory? A About one month ago.
- Q You removed for the purpose of making your home here? A Yes.
- Q You stated a few moments ago that your post office was Noxapata? A Yes sir, I was raised at Plattsburg and moved to Noxapata.
- Q You lived at Plattsburg about six years ago? A Yes sir.
- Q Do you speak the Choctaw language? A Yes.

This applicant has every appearance and characteristics of a full blood Indian- Choctaw; he speaks and understands the Choctaw language; has no knowledge of the compliance on the part of his ancestors with the provisions of article 14 of the treaty of 1830.

(Thirty days time will be allowed this applicant in which to introduce additional testimony in support of his case.)

R.B. Eisenberg, being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 23, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

R. B. Eisenberg

Subscribed and sworn to before me this 13 day of ^{July}~~June~~, 1903.

Charles H. Sawyer

Notary Public.

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

-oOo-

In the matter of the application for the identification of
John Sockey, et al., as Mississippi Choctaws, M.C.R. 5162.

---: 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 4, 1902, by Dibbin Marris for John Sockey, his wife, Bettie
Sockey, and his three minor children, Maggie, Rafe and Ned Sockey,
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 John Sockey 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.

(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:

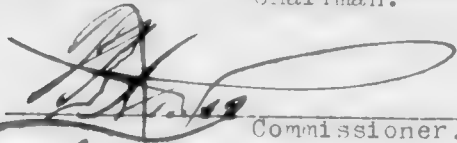
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants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

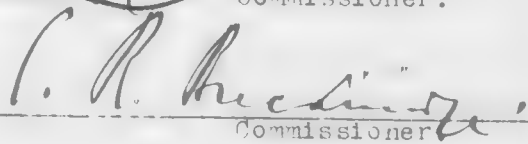
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner

Muskogee, Indian Territory,

Commissioner.

MAY -5 1904

UNITED STATES OF AMERICA,
Indian Territory,
Southern District.

-88-

I, Jane Bell, of lawful age, on oath state that my post office address is Ardmore, Indian Territory; that I was well and personally acquainted with Robert Tubbee, deceased, and his children Effie, Rachel, Armie, Mazie, Bessie and Addie Tubbee, all of whom are applicants for identification as Mississippi, having made application for such identification at Muskogee, I. T. on or about March 23rd, 1903; that the wife of Robert Tubbee and the mother of above named children was named Jinnie, and was the daughter of Martha Bell and Amos, a full-blood Choctaw; that the said Martha Bell was the daughter of Alex Bell, the son of James Bell; that said Alex Bell was also the brother to my father Robert Bell; that it has always been my belief and understanding that James Bell, above mentioned, ^{complied} ~~complied~~ with the provisions of the ~~Treaty of 1830~~ 14th article of the Treaty of 1830; that he owned land in the state of Mississippi, and stated he got it from the Government under the provisions of said Treaty; that Scott Bell of Kiowa, I.T. may know more about this than I do.

WITNESSES TO MARK:

Arthur Smart
John S. C. C. C.

Jane ^{her} Bell
mark

Subscribed and sworn to before me this the 19th day
of July, A. D. 1904.

Jane Tubbee
Notary Public.

R-5162

UNITED STATES OF AMERICA,

Indian Territory,

Southern District.

-88-

I, Jane Bell, of lawful age, being first duly sworn depose and state on oath that my post office address is Ardmore, Indian Territory; that I am the identical Jane Bell who is an applicant for identification as a Mississippi Choctaw, (M. C. R. 5166), and am the daughter of Robert Bell, who was a half blood Choctaw and Susie, a full-blood Choctaw; that said Robert Bell was the son of James Bell; that the said Robert Bell appeared before the Indian Agent in the state of Mississippi in compliance with the provisions of the 14th article of the Treaty of Dancing Rabbit Creek, and there was patented to him a Section of land on Noxapater Creek, about one mile Northwest of what is now Aden post office, Mississippi; and that I have often seen the deed or patent to said land that was issued to my father, Robert Bell, and said patent is now in the possession of my brother Wash Bell of Fusky, Neshoba County, Mississippi; that the said Robert Bell ~~had~~ and his wife Susie above mentioned had eight children, namely: Sabelia, Salina, Mela, Wash, Roseanna, Harges, Jennie and myself; and all of said children lived to maturity and raised family, and all now have living issues except Mela, as follows:

1st. Sabelia married Watson Marris and had one child named Rosie, deceased, and Rosie married first Charley Cotton, (dead) and they had four children, Fanny Reese (M.C.R. 5175), Raymond Cotton, Charley Cotton Jr (dead) and Bill Cotton;

2nd. Salina (dead) married Stribling (dead) and they have one child now living in the Choctaw Nation named Jempson Bell;

3rd. Mela, no issue living.

4th. Wash Bell, married Winnie, and they have six children: Lula, Babe, Nash, Hasie (now married to Elbert Henny), Martha, and Johnnie.

5th. Roseanna married Watson Marris, and had six children:
 (a) Moseley Marris (2003), who married Ida and have three children:
 Lillie, Dempsey and Missie; (b) Celia, who married Elbert Kelly
 and have four children: ~~Presley~~, Loyd, Kula and an infant, name not
 known by me; (c) ^(M.C.R. 5162) Bettie Sockey married John Sockey and has three
 children: Maggie, Rafe and Ned; (d) William Marris married ~~Dave~~
 and has 6 children but I do not know the names of any of them;
 (e) George Marris (M.C.R. 5164) married Forgry or Virgie, and (f)
 Nellie married Robert Henny and has one infant child, the name
 of which I do not know;

6th. Harges Bell ~~xxxx~~ (dead) married Sallie Bell (M.
 C.R. 5168) and has two children Rufus and Callie Bell.

7th. Jennie married Dibbin Marris (M.C.R. 2582) and has
 eleven children: (a) Coleman Marris (M.C.R. 2933), married Rosie
 and has four children: Nannie, Jane, Lillie and Tennis; (b) Susan,
 (M.C.R. 5113) married Elmon Bull; (c) Marris Marris (M.C.R. 5155);
 (d) Tom Marris married Selia, and has three children, the names
 of which I do not know; (e) Jim Marris (M.C.R.) ~~xxxx~~ married
 Manarva and has two children, Archer and Annie; (f) Wynch Marris
 M.C.R. 2582) married Sallie Johnson; and ~~xxx~~ ⁵ minor children
 (M.C.R. 2582) namely: Steve, Nancy, Missey, Nat and Liss.

8th. Jane Bell, myself (M.C.R. 5166)

All of the above I know of my own personal knowledge and
 will testify to before the Commission to the Five Civilized

~~Tribes~~ or any other Tribunal, in necessary.

WITNESSES TO MARK:

Arthur Smith
John Sockey

Jane ^{her} Bell
 mark

Subscribed and sworn to before me this the 19th day of
 July, A. D. 1904.

Gene Tippet
 Notary Public.

Ardmore, I. T. February 19, 1903.

To the Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

You will please deliver to J. W. Walls, 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 TO NAME

Robert Joseph

Also applied for his wife Betsey,
and his children Lona, Rhet Maggie
Josephine King, Willie and Mamie.

MERIDIAN, MISSISSIPPI, October 6, 1903.

John Sockey,

Ardmore, I. T.,

Dear Sir:-

It appears from the records of the Commission that on April 4, 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. 107--MCR 5162

Special Agent.

M C R 5162

Muskogee, Indian Territory, November 26, 1903.

John Sockey,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, in which you state "On or about March 1st 1903 I appeared before the Commission in behalf of my self and family to be Identified as Mississippi Choctaws. Since that time I received a letter from H. Van V. Smith, special agent, in which he states that in order that a decision may be reached in my case it would be necessary for me to appear before him at Meridian Miss. so please inform me just how my case stands and also what steps will be necessary to complete my identification as Mississippi Choctaws."

In reply you are informed that it appears from our records that on April 4, 1902, at Seale, Mississippi, Dibbin Marris appeared before this Commission and made application for the identification of yourself, your wife, Bettie Sockey, and three minor children, Maggie, Rafe and Ned Sockey, as Mississippi Choctaws; and that on March 23, 1903, you appeared before the Commission at Muskogee, Indian Territory, and gave additional testimony relative to the application for the identification of yourself and family as Mississippi Choctaws.

J S 2

No decision has yet been rendered relative to the rights of yourself and family to be identified as Mississippi Choctaws.

It seems that the letter from H. Van V. Smith notifying you to appear before him at Meridian, Mississippi, was in error, as we have your personal testimony given on March 23, 1903, and you are further advised that no additional testimony is now required from you in regard to the application for your identification as a Mississippi Choctaw.

When a decision is rendered in your case you will be duly notified.

Respectfully,

Chairman.

M.O.R.5162

Muskogee, Indian Territory, April 20, 1904.

John Seekey,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, in which you ask if your name has been approved as a Mississippi Choctaw.

In reply to your letter you are informed that it appears from our records that you made application to this Commission for the identification of yourself, your wife, Bettie Sockey, and minor children, Maggie, Rafe and Ned Sockey, as Mississippi Choctaws, but up to the present time your rights to such identification have not been passed upon. When a decision is rendered in your case, you will be duly notified thereof.

Respectfully,

Chairman.

M.C.R. 5162

Muskogee, Indian Territory, May 5, 1904.

John Sooky,

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 5th, 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 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

Registered.

Commissioner in Charge.

Enc. MCR 5162.

M.C.R. 5162

Muskogee, Indian Territory, May 5, 1904.

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

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, under date of May 5, 1904, rendered its decision identifying John Seekey 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 himself 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,

Commissioner in Charge.

COPY. M.C.R. 5162

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 John Sockey as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved Jul. 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 John Sockey 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.

Kno. MCR 5162.

K C R 2162

Muskogee, Indian Territory, July 28, 1904.

John Sockey,

Post Office Box #222,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, enclosing affidavits of Jane Bell which you ask be filed in support of the application for the identification of your wife, Bettie Sockey, as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

COPY.

M.C.R. 5162

Muskogee, Indian Territory, September 27, 1904.

Bettie Sockey,

Ardmore, Indian Territory,

Dear Madam:

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 children, Maggie Sockey, Rafe Sockey and Ned Sockey, 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. S. 2

making proof of your removal to and settlement within the Choctaw-Chickasaw country, at the earliest practicable date.

Respectfully,

(SIGNED) *Tams Bixby.*

Registered.

Chairman.

Incl. M.C.R. 5162.

M C R 5162

Muskogee, Indian Territory, February 27, 1906.

Bettie Sockey,

Ardmore, Indian Territory.

Dear Madam:

Replying to your inquiry of the 22nd instant, you are informed that it is probable your name will, in the very near future, be forwarded on a partial roll of identified Mississippi Choctaws to the Secretary of the Interior for approval. The \$40 townsite payment is made by the United States Indian Agent, Union Agency, and this office is unable to advise you as to when you will receive your share.

Respectfully,

Acting Commissioner.

M C R 5162

Muskogee, Indian Territory, March 9, 1906.

Bettie Sockey,
Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th instant, requesting to be advised if your name has been forwarded to the Secretary of the Interior, in order that you may draw the \$40 townsite payment.

You were fully advised in regard to this matter in a letter addressed to you from this office under date of February 27, 1906.

Respectfully,

Acting Commissioner.

For Identification as a Mississippi Choctaw.

State Miss. Date

Name John Lockett

Age 28 Blood pure

Post Office, Hattiesburg, Miss

Father: Lockett d

Mother dont know d.

Claims through

wife Bettie Lockett (5/8) 26

Father Wilson Harris 1/2 2

mother - dont. know = 3/4 d

To. of. ...

Children.

Maggie Lockett 6

Rafe " 5

Ned " 4

Stenographer

R. A. Street

No. 5162

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name John Sockey

Age 32 Blood full

Post Office Ardmore, D.

Father

Mother

Claims through

Additional testimony
of John Sockey

Children.

Stenographer A. B. Eisenberg

Choctaw MCR 5163

Jack Beaks

See MCR 336

MCR 5163

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

In the matter of the application for the identification of
Jack Beaks, et al., as Mississippi Choctaws, M.C.R. 5163.

I N D E X .

	page
Original application of Jack Beaks, et al., before the Dawes Commission for identification as Mississippi Choctaws,.....	1
Testimony of Jack Beaks,.....	4
Decision of the Commission identify- ing Jack Beaks as a Mississippi Choctaw,.....	7

5163
Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, April 4th, 1902.

In the matter of the application of Jack Beaks for the identification of himself and minor ward, Sam Marris, represented by Dibbin Marris.

Dibbin 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 Dibbin Marris.
Q How old are you? A Sixty.
Q What's your post office address? A North Bend, Mississippi.
Q How much Choctaw blood have you? A One half.
Q Do you live in Neshoba County? A Yes, sir.
Q You have heretofore appeared before the Commission in your own behalf? A Yes, sir.
Q And have this day appeared before the Commission in behalf of your invalid son, Marris Marris? A Yes, sir.
Q Are you acquainted with a Choctaw by the name of Jack Beaks?
A Yes.
Q How long have you known Jack? A All my life.
Q About how old a man is Jack Beaks? A About seventy.
Q Older than you are? A Right smart older than I am.
Q Is he a full blood Choctaw? A Yes.
Q Has he always lived in Mississippi? A Yes.
Q Where does he live? A Wineton County, near Plattsburg, Mississippi
Q Plattsburg is his post office is it? A Yes, I think so.
Q Has Jack a Choctaw name, Dibbin? A Just Jack.
Q Is his father living? A No, he is the only one; I don't know anything of his ancestors, or his parents.
Q You don't know the name of either of his parents? A No.
Q Nor any of his grand parents? A No, don't know it.
Q Has he lived in Mississippi all his life? A Yes.
Q Has he any children living? A No.
Q Was he ever married? A No.
Q Has he any children living with him? A Sam Marris, about eleven years old, who is my grand son.
Q Is Sam's father living? A Dead.
Q What was his name? A Cheatham.
Q He was your own son? A Yes.
Q What was the name of Cheatham's mother? A Betsey. He and Sanderson Marris were full brothers.
Q Was Betsey a full blood Choctaw? A Yes.
Q Did she always live in Mississippi? A Yes.
Q Is Sam's mother living? A No.
Q What was her name? A Named Minnie.
Q Was she a full blood Choctaw? A Daughter of Wash Bell, by a former wife.
Q Was Minnie's mother a full blood Choctaw? A Yes.
Q You don't know her name? A No.

Jack Beaks, et al., 2.

Do you know the names of Minnie's mother and her father? A I don't know.

Q So far as you know, have all of the ancestors of Jack Beaks and all of the ancestors of Sam Marris, always lived here in Mississippi?
A Yes.

Q Do you know whether any application of any kind has ever been made before today for Jack Beaks and this child, Sam Marris? A Yes I heard that Jack Beaks made application three years ago at Philadelphia.

The records of the Commission show that application was made at Philadelphia, Mississippi, to the Commission, on February 4, 1899, for the identification of Jack Beaks and Sam Marris, their names appearing upon Mississippi Choctaw Card, Field Number 336; also, upon page 80 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 1190 and 1191, respectively, thereon.

Q Is this the only application that has ever been made for them?
A Yes, sir, I think so.

By Commission:

As to whether any of the ancestors of Cheatham Marris ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or received any benefits thereunder, special reference is hereby made to the testimony of Dibbin Marris, given before the Commission today in support of the application of his invalid son, Marris Marris. As to whether any of the ancestors of Wash Bell, the father of Minnie Marris, ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, reference is hereby made to the testimony of Dibbin Marris, given in support of the application of Wash Bell, et al.,

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

Q Do you know whether any of the ancestors of Jack Beaks, or any of the ancestors of the mother of Minnie Marris, ever complied or attempted to comply with the provisions of that article or ever received any benefits under that article? A I don't know.

Q Do you know whether any of them lived here in the old Choctaw Nation, in Mississippi and Alabama, or owned an improvement here at the time the treaty was made, seventy one years ago? A Don't know.

Q Do you know whether any of them removed 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.

Jack Beaks, et al., 3.

Q Do you know whether 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 Do you know whether any of them ever claimed or received any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Don't know

Q Do you know whether any of them appeared before any of the Commissioners appointed under the Act of Congress approved March 3, 1837, February 22, 1838, or August 23, 1842, and attempted to establish their rights as Choctaws under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

Q Do you know whether any of them ever received any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A I don't know anything about that.

Q Do you know of any old person living who would likely know whether any of the ancestors of these persons 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, I don't know.

Q Has Jack Beaks any brothers or sisters living? A No brothers or sisters that I know of.

Q Did he ever have any to your knowledge? A No, never did have any.

Q Is any one else living with these Choctaws, Jack and Sam? A No.

Q Do you know whether either of Jack's parents ever had any brothers or sisters? A I don't know.

Q Did Minnie ever have any full brothers or sisters? A No full brothers or full sisters; she has a half brother on her mother's side living, his name is Albert Kelley, and he lives near Plattsburg, Mississippi.

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 4th day of April, 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 Meridian, Mississippi, this 18th day of April, 1902.

J. P. Massey
Clerk U. S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 24, 1903.

5163

Additional testimony

In the matter of the application for identification of Jack Beaks and his minor ward, Sam Marris, as Mississippi Choctaws.

Jack Beaks being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jack Beaks.
Q How old are you? A I think about fifty six.
Q What is your post office address? A Leflore, I.T.
Q How long have you lived at Leflore? A About four weeks.
Q Where did you live before that? A Plattsburg, Mississippi.
Q Were you born in Mississippi? A Yes sir.
Q Lived there all your life until you came to the Indian Territory?
A Yes sir.
Q What is your father's name? A Beaks.
Q Did he have a Choctaw Indian name? A I did know something about that; but have forgot.
Q You don't know his other name? A No sir.
Q Did he have a Choctaw Indian name? A I don't know anything about that.
Q Is he living? A He is dead.
Q What is your mother's name? A I don't know; she's been dead long time.
Q Was your father a full blood Choctaw Indian? A Yes, what he said.
Q Was your mother a full blood? A Yes.
Q You claim to be a full blood, do you? A Yes.
Q You claim your Choctaw blood through both your parents? A Yes.

This applicant is the identical Jack Beaks for whom application was made at Seale, Mississippi, on April 4, 1902, by Dibbin Marris for identification as a Mississippi Choctaw; his age was given by Dibbin Marris as 70 years.

- Q Are you married? A No.
Q Ever been married? A No.
Q Have you a minor ward living with you named Sam Marris? A Yes.
Q How old is Sam Marris? A Going on 11 years old.
Q What is his father's name? A Cheatham Marris.
Q Is Cheatham Marris living? A No.
Q What is the name of the mother of this child? A Bennie.
Q Is she living? A No.
Q How much Choctaw blood did Cheatham Marris have? A I think about a half.
Q How much Choctaw blood did Bennie have? A Full blood I expect.
Q What was the name of the father of Cheatham Marris? A Dibbin Marris.

- Q What was the name of the mother of Cheatham Marris? A I don't know
Q What was the name of the father of Bennie? A Wash Bell.
Q What was the name of the mother of Bennie? A Jane.
Q Was Wash Bell a full blood? A Yes.
Q Was Jane a full blood? A Yes.
Q You wish to give additional testimony in this case, do you?
A Yes.
Q This application which was made for you and your minor ward was made under article 14 of the treaty of 1830? A Yes.

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

- Q Do you know whether any of your Choctaw ancestors or the fore-parents of Sam Marris within six months after the ratification of the treaty of 1830 went to the Indian agent in Mississippi at that time and told him they wanted to stay in the old Choctaw Nation, take land there and become citizens of the States? A No, I don't know anything about that.
Q Do you know whether any of your Choctaw ancestors or the ancestors of Sam Marris ever received any land from the Government under article 14 of the treaty of 1830? A I don't know.
Q Do you know whether any of the ancestors of yourself or of Sam Marris ever appeared before the Commission appointed in 1837 or the one appointed in 1842 and tried to prove their right to land in Mississippi under article 14 of the treaty of 1830? A I don't know.
Q These Commissions were appointed to hear the claims of Choctaws who claimed they had gone to the Indian agent and told him that they wanted to stay in Mississippi, take land there and become citizens of the States but afterwards their land was sold by the Government; these Commissions were appointed to hear these claims. You don't know if any of your ancestors went before either of these Commissions?
A No.
Q Do you know if any of your Choctaw ancestors or those of Sam Marris ever received any scrip from the Government which entitled them to select land- A I don't know anything about that.
Q All of your Choctaw ancestors have always been full blood Choctaw Indians? A Yes.
Q How much Choctaw blood did Dibbin Marris have? A I think about a half.
Q What was the name of the mother of Cheatham Marris? A I don't know her name at all.
Q She was a full blood? A Yes, that's what I think.
Q And Cheatham Marris would be about 3/4? A Yes.
Q And Sam Marris, this ward, would be about 7/8? A Yes.

Q Do you know the names of any of the ancestors of Sam Marris who were living in 1830 when this treaty was made? A No sir.

Q Do you know any of the Indian names of any of the ancestors of Sam Marris? A No sir.

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

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

Q Do you speak the Choctaw language? A Yes sir.

Applicant has the appearance of being full blood Choctaw Indian; speaks and understands the Choctaw language and understands English fairly well; has no knowledge of any compliance on the part of any of his ancestors with the provisions of article 14 of the treaty of 1830.

R.B.Eisenberg being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 24, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

R. B. Eisenberg

Subscribed and sworn to before me this 13 day of ^{July}~~June~~, 1903.

Charles H Sawyer

Notary Public.

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

In the matter of the application for the identification of
Jack Beaks, et al., as Mississippi Choctaws, M.C.R. 5163.

.....D E C I S I O N.....

It appears from the record herein that application was made
to this Commission on April 4, 1902, by Dibbin Marris for the
identification as Mississippi Choctaws of Jack Beaks and his minor
ward, Sam Marris, under the following provision of the act of Con-
gress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty 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 Jack Beaks is a full-blood Mississippi Choctaw
Indian. The minor applicant herein is a mixed-blood Choctaw, and
whatever rights as a Mississippi Choctaw he 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 Jack Beaks should be identified as a Mississippi Choctaw, and it is so ordered.

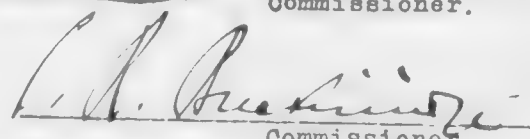
COMMISSION TO THE FIVE CIVILIZED TRIBES,



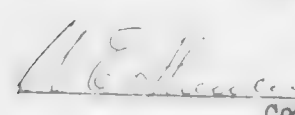
 Chairman.



 Commissioner.



 Commissioner.



 Commissioner.

Muskogee, Indian Territory,

MAR 10 1904

MAR 1 1904

M.C.R. 5163

COPY.

Muskogee, Indian Territory, March 16, 1904.

Jack Beaks,

Leflore, Indian Territory,

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 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 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. R. ...

Commissioner in Charge.

Registered.

Enc. MCR 5163.

M.C.R. 5163

Muskogee, Indian Territory, March 16, 1904.

Robert E. Lee,
Leflore, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilised Tribes, on March 12, 1904, rendered its decision identifying Jack Beaks as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, the person so identified, in order to avail himself of the benefits of such identification, 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,

J. C. Greathart

Commissioner in Charge.

Registered.

M.C.R. 5163

COPY.

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 Jack Beaks 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 Jack Beaks 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. R. Breckinridge.

Commissioner in Charge.

Registered.

Enc. MCR 5163.

M C R 5033
M C R 5163

Muskogee, Indian Territory, March 11, 1903.

Robert E. Lee,
Leflore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 4th in which you state that two Mississippi Choctaws by the names of Albert Kelley and Jack Beats have removed from Mississippi to Indian Territory with the intention of making this their home; that they are full blood Choctaws and wish to know if they will be allowed to take land here.

In reply to your letter you are advised that it appears from our records that Albert Kelley, a half blood Choctaw Indian, is an applicant to this Commission for the identification of himself, his wife who is a three quarter blood Choctaw Indian, and their three minor children, as Mississippi Choctaws. No decision or opinion has yet been rendered relative to their rights to identification as Mississippi Choctaws. As soon as a decision is reached in their case they will be duly notified of the action of the Commission.

It further appears from our records that Jack Beaks, a full blood Choctaw Indian, is an applicant to this Commission for identification as a Mississippi Choctaw, and the Commission has not yet passed upon his right to identification as a full blood Missis-

R E L 2

Mississippi Choctaw.

For your information there is enclosed you herewith a copy of the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902. Your attention is specially invited to section 41 thereof.

Respectfully,

Chairman.

M.C.R. 5163

Muskogee, Indian Territory, March 16, 1904.

Jack Beaks,

Leflore, Indian Territory,

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 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 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)

C. B. Brock

Commissioner in Charge.

Registered.

Enc. MCR 5163.

M.C.R. 8163

Muskogee, Indian Territory, March 16, 1904.

Robert E. Lee,

Leflore, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 12, 1904, rendered its decision identifying Jack Beaks as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, the person so identified, in order to avail himself of the benefits of such identification, 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,

200000

J. D. Crowder

Commissioner in Charge.

Registered.

M.C.R. 5163

Copy.

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 Jack Beaks 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 Jack Beaks 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. Ercellmidge

Commissioner in Charge.

Registered.

Enc. MCR 5163.

See MCR 2059 for registry receipt for this letter.

Muskogee, Indian Territory, June 18, 1904.

Jack Beaks,

Plattsburg, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you state that you moved to the Choctaw Nation in March, 1903, remained there one year and then returned to Mississippi on business, but that you are going back to the Choctaw Nation in about two months; that you have been advised that a registered letter from the Commission, addressed to you at Leflore, Indian Territory, has been returned to this office as unclaimed; that if there is a letter or any money for you, you desire the same to be forwarded you at once. You also ask when you can file on land.

In reply to your letter you are informed that it appears from our records that on March 12, 1904, the Commission rendered a decision identifying you as a full-blood Mississippi Choctaw, a copy of such decision being forwarded you, by registered mail, at Leflore, Indian Territory, your last known postoffice address. Same was returned to this office unclaimed, and it is this day re-registered to you at Plattsburg, Mississippi.

J. B., 2.

Your attention is invited to the fact that it will be necessary that you return to and settle within the Choctaw-Chickasaw country, Indian Territory, within six months from March 12, 1904, and that proof of such removal and settlement must be made before the Commission either at its office at Atoka, or Tishomingo, Indian Territory, within one year from March 12, 1904, the date of your identification.

Inasmuch as your identification as a full-blood Mississippi Choctaw was approved by the Secretary of the Interior on May 2, 1904, you will, upon your personal appearance at either of the Land Offices, and after submission of proof of your removal and settlement within the time herein specified, be permitted to make selection of allotment of the lands of the Choctaw-Chickasaw country, Indian Territory.

Respectfully,

Chairman.

COPY.

M.C.R. 5163

Muskogee, Indian Territory, September 27, 1904.

Jack Beaks,

LeFlore, 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 your ward, Sam Marris, as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641), in order for the person so identified to avail himself of the benefits thereof he 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 person herein named, 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 he 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

J. B. 2

making proof of his removal to and settlement within the Choctaw-Chickasaw country, at the earliest practicable date.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

Registered.

Incl. M.C.R. 5163.

M C R 5163

Muskogee, Indian Territory, October 28, 1904.

Jack Beaks,

Fanshawe, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th instant, asking if the name of Sam Marris has been approved as a Mississippi Choctaw.

In reply to your inquiry you are informed that on September 27, 1904, the Commission rendered a decision identifying Sam Marris as a Mississippi Choctaw, of which action you were duly notified on the same date by registered mail at Leflore, Indian Territory, your last known post office address.

The name of Sam Marris has this day been placed upon a schedule of duly identified Mississippi Choctaws to be forwarded to the Secretary of the Interior for his approval. When said schedule has been returned to the Commission, approved by the Secretary, and the Choctaw and Chickasaw Land Offices have been notified thereof, which will probably be within the next thirty days, selection of allotment may then be made in the name of Sam Marris.

Respectfully,

Chairman.

M C R 5163

Muskegee, Indian Territory, December 7, 1904.

Jack Beaks,
Fanshawe, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, asking if you can file on land for Sam Marris.

In reply you are informed that the name of Sam Marris appears upon a schedule of duly identified Mississippi Choctaws opposite number 2422, approved by the Secretary of the Interior on November 16, 1904. Selection of allotment in the name of Sam Marris may now be made at either the Choctaw or Chickasaw Land Office, first submitting satisfactory proof of the removal to and settlement within the Choctaw-Chickasaw country, Indian Territory, of the said Sam Marris.

Respectfully,

Chairman.

No. 5163

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

^{Date}
 Name Jack Beaks
 Age 56. Blood full
 Post Office Leflore, I. T.
 Father: Beaks G. G. D.
 Mother Don't know G. G. D.
 Claims through both parents.

~~Name~~
 Name: Sam Morris 11 7/8
 Father: Cheatham Morris D
 Mother: Bessie 11 1/2 D

Additional Statements

Stenographer R. B. Eisenberg

No. 5153

For Identification as a Mississippi Choctaw.

Deale, Miss.
Date

APR 4 1907

Name Jack Beaks

Age 70 Blood full

Post Office, Plattsburg Miss.

Father: dont know d

Mother: " d

Claims through

Children:

Son Harry 11
Father Cheatham 3/4 d
Mother Minnie 7/8 d

Stenographer

R. A. Strick

Choctaw MCR 5164

George Marris

See MCR 2582

MCR 5164

(10)

(4)

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

---c---

In the matter of the application of George Marris, et al.,
for identification as Mississippi Choctaws.

---c---

Herein is the record in the matter of the application of
George Marris, et al., for identification as Mississippi
Choctaws, M.C.R. 5164.

---c---

32

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

---o---

In the matter of the application of George Marris, et al.,
for identification as Mississippi Choctaws, M.C.R. 5164.

--: I N D E X :--

	(Page)
Original application of George Marris, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of George Marris-----	4
Decision of the Commission identifying Forgy Marris as a Mississippi Choctaw Indian-----	7

---o---

5164.

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, April 4th, 1902.

In the matter of the application of George Marris for the identification of himself and his wife, Forgy, as Mississippi Choctaws represented by his uncle, Dibbin Marris.

Dibbin 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 Dibbin Marris.
Q How old are you? A Sixty .
Q What's your post office address? A North Bend, Mississippi.
Q Do you live in Neshoba County? A Yes, sir.
Q How much Choctaw blood have you? A One half.
Q You have heretofore appeared before the Commission in your own behalf? A Yes, sir.
Q And have this day appeared before the Commission in behalf of your invalid son, Marris Marris? A Yes, sir.
Q Are you acquainted with a man by the name of George Marris?
A Yes.
Q Is he any relation to you? A Yes, brother's son.
Q How long have you known George? A All his life.
Q About how old is he? A About twenty five.
Q How much Choctaw blood has he? A Three quarters, the same as my children.
Q Where does he live, Dibbin? A Winston County, near Aden, Mississippi.
Q Has George lived in Mississippi all his life? A Yes.
Q Is his father living? A Yes.
Q What's his name? A Watson.
Q He appeared before the Commission here at Seale in his own behalf on the 22nd day of March last, did he not? A Yes.
Q George's mother living? A Dead.
Q What was her name? A Can't think of her name.
Q Was she a full blood Choctaw? A Just the same as my wife, three quarters.
Q Then, this boy would be five eighths? A Yes.
Q George's mother and your last wife, Jennie, were full sisters?
A Yes.
Q Is George married? A Yes.
Q What's his wife's name? A Forgy.
Q Are they living together now? A Yes.
Q About how old is Forgy? A About twenty five, I reckon.
Q Is she a full blood Choctaw? A Yes, I expect so.
Q Has she lived here in Mississippi all her life? A Yes.
Q How long has George been living with her? A About five years.
Q Was she married before she married him? A No.
Q Was he married before he married her? A No.
Q Have they any children living? A No.

George Marris, et al., 2.

- Q Any children living with them? A No.
Q Any old folks living with them? A No.
Q Is Forgy's father living? A No, dead.
Q What was his name? A His name was Sockey; he was the father of John Sockey.
Q Did he have any other name than Sockey? A I don't know.
Q Did he live in Mississippi all his life? A Yes.
Q Full blood Choctaw? A Yes.
Q Do you know the names of his parents? A Don't know.
Q Is Forgy's mother living? A No, dead.
Q What was her name? A I don't know.
Q Full blood Choctaw? A Yes.
Q Live in Mississippi all her life? A Yes.
Q Know the names of her parents? A I don't know.
Q So far as you know, all of Forgy's ancestors have been full blood Choctaws, and have always lived here in Mississippi, have they?
A Yes.
Q Do you know whether any application of any description has ever been made before today for George or his wife, for the purpose of establishing their rights as Choctaw Indians? A I don't know.
Q You never heard of any application ever having been made for them did you? A No.

Statement by Commission:

(As to compliance on the part of the ancestors of George Marris with the fourteenth article of the treaty of Dancing Rabbit Creek, reference is hereby made to the testimony of Watson Marris, given before the Commission at Seale, Mississippi, on the 22nd day of March last, and of his uncle, Dibbin Marris, given before the Commission on this date in connection with the application of Marris Marris for identification as a Mississippi Choctaw, and the application of Wash Bell, et al., for identification as Mississippi Choctaws.)

- Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you? A Yes.
Q Do you know whether any of the ancestors of Forgy Marris ever complied or attempted to comply with its provisions, or ever received any benefits under that article? A I don't know.
Q Do you know whether any of them were living here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when the treaty was made, seventy one years ago? A Don't know.
Q Do you know whether any of them ever removed to the present Choctaw Nation, 1/2 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 Do you know whether 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 Do you know whether any of them ever claimed or received any land here in Mississippi from the Government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek?
A Don't know.
Q Do you know whether any of them appeared before the Commissioners appointed under the Act of Congress approved March 3, 1837, February 22, 1838, or August 1842, and attempted to establish their rights

George Marris, et al., 3.

under the 14th article of the treaty of Dancing Rabbit Creek.

Q Do you know whether any of them ever received any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A I don't know anything but that.

Q Do you know of any old person living who would likely know whether any of the ancestors of Forgy Marris ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know 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 How many brothers has Forgy living? A Just one, John Sockey.

Q Has she any brothers dead? A Not that I know of.

Q Did she ever have any sisters? A No.

Q Are any of her father's brothers or sisters living or any of their children living? A Don't know.

Q Are any of her mother's brothers or sisters or any of their children living? A I don't know.

(George Marris and his wife, Forgy, live in Winston County, Mississippi, across Pearl River from the camp of the Commission. The Commission has reason to believe that they have had knowledge for about two weeks of the presence of the Commission at this place. On account of the high water, it would be impossible for them to reach the camp of the Commission at this time, neither could they do so within ten days from this date. Dibbin Marris, who testifies in connection with their application, is a half blood Choctaw, and bears the reputation of being thoroughly reliable.)

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 4th day of April, 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 Meridian, Mississippi, this 17th day of April 1902.

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

Massey

By

Deputy.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T., March 23, 1903.

5164

Additional testimony

In the matter of the application of George Marris and his wife, Forgy Marris, for identification as Mississippi Choctaws.

J.G.Ralls, attorney for applicants:

George Marris being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A George Marris.
Q How old are you? A Twenty four.
Q What is your post office address? A Ardmore.
Q How long have you lived at Ardmore? A About two months.
Q Where did you live before that? A Winston County, Mississippi.
Q Were you born in Mississippi? A Yes.
Q Lived there all your life until you moved to the Territory? A Yes until two months ago.
Q What is your father's name? A Watson Marris.
Q Is he living? A Yes.
Q What is your mother's name? A Rosanna.
Q Is she living? A Yes.
Q How much Choctaw blood did your father have? A I don't know.
Q How much Choctaw blood did your mother have? A I don't know.
Q Do you know what the name of the father of your mother was?
A Robert Bell.
Q What was the name of her mother? A I don't know.
Q Your mother was 3/4 wasn't she? A I don't know.
Q How much Choctaw blood do you claim to have? A Some of them said three fourths.

This applicant is the identical George Marris for whom identification as a Mississippi Choctaw was made to this Commission by Dibble Marris at Seale, Mississippi, April 4, 1902. It appears from the testimony of Dibble Marris given at that time that the mother of this applicant is three quarters Choctaw.

- Q Do you claim 3/4 or 5/8 Choctaw? A I don't know which.
Q You claim your Choctaw blood through both parents? A Yes.
Q Are you married? A Yes.
Q What is your wife's name? A Forgy.
Q How much Choctaw blood has Forgy? A Full blood.
Q Is she living? A Yes.
Q How old is she? A Twenty five.
Q What is her father's name? A Cornelia Socky.
Q Was he a full blood Choctaw? A Yes.
Q Is he living? A Yes.

- Q What was Forgy's mother's name? A I don't know.
Q Is she living? A No.
Q Was she full blood Choctaw? A Yes.
Q All of your wife's Choctaw ancestors have all been full blood Choctaws? A Yes.
Q Have you any minor children? A No.
Q Just yourself and your wife? A Yes.
Q You wish to give further testimony in the matter of the application made for you by Dibble Marris for the identification of yourself and wife as Mississippi Choctaws? A Yes.
Q This application is made under the provisions of article fourteen of the treaty of 1830? A Yes.
Q You understand that article? A Yes.

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 Choctaw ancestors or your wife's Choctaw ancestors went before the Indian agent within six months from the ratification of the treaty of 1830 and signified to him an intention to stay in Mississippi, take land there and become citizens of the States? A I don't know.
Q Do you know whether any of your Choctaw ancestors or your wife's Choctaw ancestors ever received any land in Mississippi from the Government under the provisions of article 14 of the treaty of 1830? A No sir.
Q Do you know whether Robert Bell ever received any land from the Government under this article? A I don't know.
Q Did you ever hear that Robert Bell, your grandfather, ever claimed any land from the Government under article fourteen of the treaty of 1830? A No.
Q Did you ever hear that any of your Choctaw ancestors or your wife's Choctaw ancestors ever received any land from the Government as Choctaw Indians? A No.
Q Do you know the name of Cornelia Socky's father and mother? A No.
Q Do you know the name of the father of Watson Marris? A Adam Marris.
Q What was the name of the mother of Watson Marris? A I don't know.
Q Through which one of his parents did Watson Marris claim his Choctaw blood? A His mother full blood Choctaw; his father white man.
Q Do you know how old your mother, Rosanna, would be if living now? A No sir.
Q You don't know the names of any of your Choctaw ancestors who were living in 1830 when this treaty was made? A No sir.
Q Do you know whether your grandfather, Robert Bell, was living in Mississippi at that time? A No.

Q Do you know whether any of your or your wife's Choctaw ancestors received any scrip from the Government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

Q This scrip was issued under an act of Congress approved August 23, 1842 and was given to those Choctaws who proved that their land had been taken from them after they had tried to comply with the article.

Q Do you know if they received any of this scrip? A No sir.

Q Have you any further statements you wish to make? A No.

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

Q Have you any witnesses you want to call? A No.

Q Do you desire time in which to present further evidence? A Yes.

Thirty days will be allowed for this purpose.

Q Do you speak or understand the Choctaw language? A Yes.

Applicant has the appearance of being full blood Choctaw, though he claims his father was a half and don't know how much his mother had he has no knowledge of any compliance on the part of his ancestors with the provisions of article 14 of the treaty of 1830.

Examination by J.G.Ralls:

Q Is your wife a full sister of John Socky who testified here today in his own behalf? A Yes.

R.B.Eisenberg being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above entitled cause on the 23rd day of March, 1903, and that this is a full true, and correct transcript of his stenographic notes in same.

R. B. Eisenberg

Subscribed and sworn to before me this 13 day of ^{July} June, 1903.

Charles H. Sawyer
Notary Public.

046
DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of George Marris, et al.,
for identification as Mississippi Choctaws, M.C.R. 5164.

---: 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 4, 1902, by Dibbin Marris for George Marris and his wife, Forgy Marris, 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 Forgy Marris is a full-blood Mississippi Choctaw Indian. The principal applicant herein is a mixed-blood Choctaw and whatever rights as a Mississippi Choctaw he may possess by reason thereof will be determined at a later date.

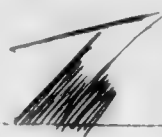
Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw

tribes of Indians and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

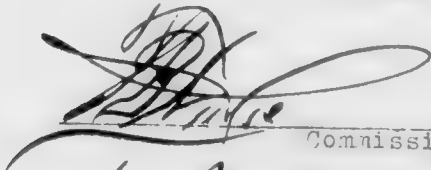
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants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

COMMISSION TO THE FIVE CIVILIZED TRIBES.



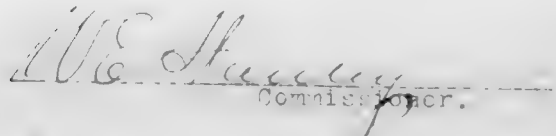
Chairman.



Commissioner.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

MAR 19 1904

Ardmore, I. T. February 19, 1903.

To the Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

You will please deliver to J. C. Halls, 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 TO MARK

George Morris
George Morris

MERIDIAN, MISSISSIPPI, October 6, 1903.

George Marris,

Adon, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on April 4th, 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 5 P. M.

Very respectfully,

No. 118---MCR 5164

Special Agent.

M.C.R. 5164

Muskogee, Indian Territory, March 16, 1904.

Forgy Marris,

Ardmore, Indian Territory,

Dear Madam:

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)

W. W. W. W. W.
Commissioner in Charge.

Registered.

Enc. MCR 5164.

M.C.R. 5164.

COPY.

Muskogee, Indian Territory, March 16, 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 12, 1904, rendered its decision identifying Forgy Marris as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, the 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 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. Breckinridge

Commissioner in Charge.

Registered.

COPY.

M.C.R. 5164

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 Fergy Marris (wife of George Marris) as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat, 641).

You are hereby notified 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 Fergy Marris 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)

W. H. McLaughlin

Commissioner in Charge.

Registered.

Enc. MCR 5164.

M C R 2532
M C R 5164

Muskogee, Indian Territory, July 25, 1904.

T. E. Deavours,
McMillan, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, in which you ask to be advised if Wince and George Morris are on the Mississippi Choctaw roll and entitled to file.

In reply you are informed that it appears from our records that George and Wench Marris are applicants to this Commission for identification as Mississippi Choctaws, but up to the present time no decision has been rendered relative to their rights to such identification. When the Commission passes upon the applications of these persons they will be duly notified of such action as may be taken.

Respectfully,

Commissioner in Charge.

COPY.

M.C.R. 5164

Muskogee, Indian Territory, September 27, 1904.

George Harris,
Ardmore, 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 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-

G. M. 2

Chickasaw country, at the earliest practicable date.

Respectfully,

(SIGNED) *James Dixby*

Chairman.

Registered.

Incl. M.C.R. 5164.

Registry receipt card dated 3/21/04 sent to Post Office Inspector
Geo. W. Soranson, Fort Scott, Kansas, November 25, 1904.

McM

#1979

No. 5164

For Identification as a Mississippi Choctaw.

Scale, Miss

APR 1 1902

Name George Wallace

Age 25 Blood ~~5/8~~ 5/8

Post Office, Aden, Miss.

Father: Watson Marris L

Mother: don't know 3/4 d

Claims through

wife Fozgy Marris (Junc) 2/8

Father Sockery
Mother don't know

Children.

Stenographer

R. S. Street

No 5164

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name George Marris

Age 24. Blood ?

Post Office. Audmore, J. T.

Father: Watson Marris Jr. D

Mother: Rosanna (?) D

Claims through both parents

Wife: Fozgy Marris ⁷⁵ f. D.

father - Cornelius Sockey. f. D.

Mother - Car Know f. D.

Children

(Additional Testimony)

Stenographic R. B. Eisenberg.

Choctaw MCR 5165

Robert Tubbee

See MCR 5037

MCR 5165

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

--o--

In the matter of the application of Robert Tubbee, et al.,
for identification as Mississippi Choctaws, M.C.R. 5165.

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

	(Page)
Original application of Robert Tubbee, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of Robert Tubbee-----	4
Decision of the Commission identifying Robert Tubbee as a Mississippi Choctaw-----	7

-oOo-

5165
Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, April 4, 1902.

In the matter of the application of Robert Tubbee, for the identification of himself, and his four minor children (names not known) as Mississippi Choctaws, represented by Dibbin Marris.

Dibbin Marris, having been first duly sworn, upon his oath testified as follows: (Oscar Biley, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Dibbin Marris.
Q How old are you? A Sixty.
Q What's your post office address? A North Bend, Mississippi.
Q Do you live in Neshoba County? A Yes, sir.
Q How much Choctaw blood have you? A One half.
Q You have heretofore appeared before the Commission in your own behalf? A Yes, sir.
Q And have this day appeared before the Commission in behalf of your invalid son, Marris Marris? A Yes, sir.
Q Are you acquainted with an Indian by the name of Robert Tubbee?
A Yes.
Q How long have you known him? A Been knowing him all his life.
Q Is he a full blood Choctaw? A Yes.
Q About how old is he Dibbin? A About thirty.
Q Where does he live? A In Winston.
Q Is Aden probably his post office? A Yes, I reckon so.
Q He lives just in the edge of Winston? A Yes.
Q Has he lived in Mississippi here all his life? A Yes.
Q Is his father living? A No, dead.
Q What was his name? A Scoch-tubbee.
Q How long has he been dead? A I reckon he has been dead nearly thirty years; Robert was a little boy when he died.
Q About how old Scoch-tubbee when he died? A He would be fifty five.
Q If he were living now? A Yes.
Q Do you know the names of his parents? A I don't know.
Q Did Scoch-tubbee live here in Mississippi all his life? A Yes.
Q He was a full blood was he? A Yes.
Q Is Robert's mother living? A Robert's mother died before her husband did.
Q What was her name? A Fannie.
Q Did she have a Choctaw name? A Yes.
Q What was her Choctaw name? A That's all I ever heard.
Q Was she a full blood Choctaw? A Yes.
Q Lived here in Mississippi all her life? A Yes.
Q Do you know the names of her parents? A No.
Q So far as you know, have all of Robert's ancestors lived here in Mississippi? A Yes.
Q They have all been full bloods, have they? A Yes.
Q Is Robert married? A Yes.
Q Wife living? A Dead.

Robert Tubbee, et al., 2.

- Q What was her name? A Jennie.
- Q Was she a full blood Choctaw? A Yes.
- Q Was Robert married more than once? A No.
- Q Just once? A Just once.
- Q Did Jennie live in Mississippi all her life? A Yes.
- Q Is her father living? A No, dead.
- Q What was his name? A Simon.
- Q Have any other name, Dibbin? A I don't know.
- Q Do you know the names of his parents? A Don't know.
- Q How old a man was Simon? A He would be about sixty five.
- Q Is Jennie's mother living? A Yes, she is the wife of Allison Thompson.
- Q What's her name? A Martha Thompson.
- Q Is Martha a full blood Choctaw? A Think Martha is a three quarters blood.
- Q Then, Jennie was seven eighths instead of a full blood, wasn't she? A Yes.
- Q How long did Jennie and Robert live together? A About eight years.
- Q Are any of their children living? A Yes.
- Q How many? A Four, I think.
- Q Do you know their names? A Don't know the names.
- Q Did you ever hear that one of them was named Effie, a girl, about fourteen years old? A Well, it must be, I never did hear her name.
- Q About how old is the next child? A I don't know the ages.
- Q What's the next one a boy or girl? A Girl.
- Q You don't know the ages of the two youngest ones? A No.
- Q Or anything about them? A Don't know.
- Q Are they boys or girls, the youngest ones? A Never saw them but a few times, but it seems to me they are all girls.
- Q Are these children living with Robert now? A Yes.
- Q Has he any other children living with him? A ~~Yes~~ No.
- Q Any old folks living with him? A Jane Bell.
- Q You have just given in your testimony in regard to her? A Yes.
- Q Do you know whether any application of any kind has ever been made before today for Robert or any of these children? A Not that I know of.
- Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you? A Yes.
- Q Do you know whether any of the ancestors of Robert Tubbee, or his wife, Jennie, ever complied or attempted to comply with the provisions of this article, or ever receive any benefits under that article? A I don't know.
- Q Do you know whether any of them lived in the old Choctaw Nation, here in Mississippi and Alabama, or owned an improvement here at the time the treaty was made, seventy one years ago? A Don't know.
- Q Do you know whether any of them removed 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 Do you know whether any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi know they wanted to stay here and become citizens of the States and take land? A I don't know.
- Q Do you know whether any of them ever claimed or received any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Don't know.
- Q Do you know whether any of them appeared before any of the commis-

Robert Tubbee, et al., 3.

sioners appointed under the Act of Congress approved March 3, 1837, February 22, 1838, or August 23, 1842, and attempted to establish their rights as Choctaws, under the 14th article of the Treaty of Dancing Rabbit Creek? A Don't know.

Q Do you know whether any of them ever received any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A I don't know anything about that.

Q Do you know of any old persons living who would likely know whether any of the ancestors of these persons 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 which would prove or tend to prove such a state of facts? A I don't know.

(Robert Tubbee lives in the northern part of Neshoba County across Pearl River from the camp of the Commission, and it would be impossible for him to reach the Commission within atleast ten days. Other Indians living near him has notice of the presence of the Commission at this place, and he is no doubt aware of our presence here.)

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 4th day of April, 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 Meridian, Mississippi, this 17th day of April, 1902.

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

By *[Signature]*

Deputy.

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

--o--

In the matter of the application of Robert Tubbee, et al.,
for identification as Mississippi Choctaws, M.C.R. 5165.

--: I N D E X :--

	(Page)
Original application of Robert Tubbee, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of Robert Tubbee-----	4
Decision of the Commission identifying Robert Tubbee as a Mississippi Choctaw-----	7

-oOo-

#5165.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., March 23, 1903.

In the matter of the application of Robert Tubbee, et al.,
for identification as Mississippi Choctaws.

Appearance: J. G. Ralls, Atty. for Applicant.

Examination by the Commission:

- Q What is your name? A Robert Tubbee.
Q How old are you? A Thirty-four.
Q What is your post office address? A Ardmore, I. T.
Q How long have you lived at Ardmore? A One month.
Q Where did you live before that? A In Mississippi.
Q Where in Mississippi? A Winston County.
Q What was your post office address? A Noxapata.
Q Is your father living? A He died 20 years ago.
Q What was his name? A Jim Tubbee.
Q Did you ever hear that his name was Scoch Tubbee? A Yes, sir,
some called him Scoch and some called him Jim.
Q Was your father a full blood Indian? A Yes, sir.
Q Do you know the name of his father or mother? A No.
Q What was the name of your mother? A I don't know; she died
when I was small.
Q Did you ever hear that her name was Fannie? A I don't know;
some of the folks back in Mississippi know her name.
Q She died when you were small? A Yes.
Q Was she a full-blood Indian? A Yes.
Q Do you know what her father's name was? A Bob.
Q Do you know what her mother's name was? A No.
Q Her father and mother were both full-blood Indians? A Yes, sir.
Q Are you married? A I was married.
Q What was your wife's name? A Jennie.
Q What was her father's name? A Amos.
Q Did you ever hear him called A. Simon? A No.
Q What was your wife's mother's name? A Martha.
Q She was the wife of Allison Thompson? A Yes, sir.
Q Do you know how much Choctaw blood your wife's father had? A He
was a full blood.
Q How much Choctaw blood has Martha Thompson, your wife's mother?
A Three-fourths.
Q Do you know the names of her father or mother? A Alec Bell.
Q Do you know the name of her mother? A No.
Q How many children have you? A Six.
Q What are their names and ages? A Effie, 14, Rachel 13, Annie
12, Maisie 10, Betsey 8, and Addie 2.
Q You are the father of these children? A Yes.
Q Jennie is the mother of these children? A Yes, sir, there is
one dead.
Q These children claim their Choctaw blood through you and through
their mother, who is now dead? A Yes, sir.

This applicant is the identical Robert Tubbee, whose ap-
plication was made to this Commission at Seale, Mississippi,
on April 4, 1902, by Dibbin Marris. Application was made at
that time for himself and four minor children, Dibbin Marris
stating at that time that he thought Robert Tubbee had four

children but did not know their names.

- Q Have you or any of these children ever been enrolled in Indian Territory? A No.
- Q You have never made any application for citizenship or enrollment before this Commission? A No.
- Q Do you appear before the Commission at this time for the purpose of giving additional testimony in the matter of the application made by Dibben Marris on April 4, 1902? A Yes, sir.
- Q You claim the right to identification as a Mississippi Choctaw under Article fourteen of the treaty of 1830? A Yes, sir.

Article Fourteen reads as follows:

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

- Q Do you know whether any of your Choctaw ancestors or your wife's Choctaw ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, by going to the Indian Agent in Mississippi at that time within six months after the ratification of that treaty and telling him that they wished to remain and become citizens of the states? A No, sir.
- Q Do you know the names of any of your Choctaw ancestors further back than your father and mother? A No.
- Q Do you know the names of any of your wife's Choctaw ancestors further back than her father and mother? A No, sir.
- Q Do you know whether any of your Choctaw ancestors ever claimed or received any land from the government under article fourteen of the treaty of 1830? A No, sir.
- Q Do you know whether any of your Choctaw ancestors or your wife's Choctaw ancestors ever received any scrip from the government which scrip was issued to those Choctaw Indians who had complied with Article fourteen of the treaty of 1830 but whose land had been sold by the government, and which entitled them to select land in either the states of Mississippi, Alabama, Louisiana or Arkansas? A No, sir.
- Q So far as you know your Choctaw ancestors have been full blood Choctaws? A Yes, sir.
- Q But your wife's mother was not a full-blood? A No, three-fourth.
- Q Do you speak or understand the Choctaw language? A Yes.
- Q Have you removed from the state of Mississippi to the Territory, in the Chickasaw Nation, for the purpose of making this your permanent home? A Yes, sir.
- Q You intend to stay here? A Yes, sir.

Thirty days time will be allowed this applicant in which to furnish additional evidence in support of his claim.

Applicant has the appearance of being a full-blood Choctaw Indian; speaks the Choctaw language, but has no knowledge of any compliance on the part of his or his wife's Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above case on the 23rd day of March, 190~~3~~⁴, and that the foregoing is a true and correct transcript of his stenographic notes taken in said case on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 17th day of February, 190~~3~~⁴.

*My Commission expires
Aug 13, 1906*

Myra Sanna
Notary Public.

954
DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Robert Tubbee, et al., for identification as Mississippi Choctaws, W.C.R. 5165.

---: 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 4, 1902, by Dibbin Marris for Robert Tubbee and his six minor children, Effie, Rachel, Annie, Maisie, Betsey and Addie Tubbee, 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 Robert Tubbee is a full-blood 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 fifty-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 settlers 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 Robert Tubbee should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



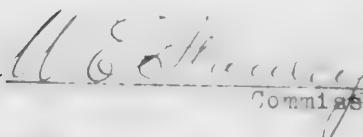
Chairman.



Commissioner.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

MAR 1 1904

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes

In the matter of the death of Robert Tubbee a citizen of
the Choctaw Nation, being a Mississippi Choctaw, who formerly lived
near Ardmore, Ind. Ter. and died on the 27 day of May, 1903

AFFIDAVIT OF RELATIVES

Indian Territory,
Southern District

I, Rufus Bell, on oath state that
I am 21 years of age and a Mississippi Choctaw, that my post office
address is Ardmore, Ind. Ter.; that I am the son of Robert Tubbee
~~xxxx~~ who was a Mississippi Choctaw; and that said _____
died on the 27 day of May 1903.

WITNESSES TO MARK:

Rufus Bell

Subscribed and sworn to before me this the 11 day of Aug.
1904.

AFFIDAVIT OF ACQUAINTANCE.

Eena Tippit
Notary Public

Indian Territory,
Southern District

I, Jane Bell, on oath state that I
am 66 years of age and a Mississippi Choctaw; that my post office
address is Ardmore, Ind. Ter.; that I was personally acquainted with
Robert Tubbee; and ~~that~~ that said Robert Tubbee
died on the 27 day of May 1903.

WITNESSES TO MARK:

J. A. Tippit
Eena Tippit

Jane Bell
mark

Subscribed and sworn to before me this the 11 day of
August A. D. 1904.

Eena Tippit
Notary Public

34
2751

Ardmore, 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:

Amatson
Van L...

^{with}
Robert Tubby
mark

Robert Tubby also applied for his six children, O. T. E. E. Effie, Rachael, Annie, Mozey, Batsie and Addie.

MERIDIAN, MISSISSIPPI, October 6, 1903.

Robert Tubbee,

Ardmore, I. T.

Dear Sir:-

It appears from the records of the Commission that on April 4, 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.

No. 108--MCR5165

M C R 5165

Muskogee, Indian Territory, December 28, 1903.

R. B. Eisenberg,

Muskogee, Indian Territory.

Dear Sir:

It appears from our records that on March 23, 1903, one Robert Tubbee appeared before this Commission and gave additional testimony in support of his application for identification as a Mississippi Choctaw; that you reported the proceedings had in said case but never transcribed your stenographic notes of same.

The Commission has to request that you appear at this office at the earliest practicable date and give this matter your attention.

Respectfully,

Chairman.

M.C.R. 5165

Muskogee, Indian Territory, March 16, 1904.

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 12, 1904, identifying Robert Tubbee as a Mississippi Choctaw Indian, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date of this notice in which to file with the Commission such protest as you desire to make against the action of the Commission in identifying said Robert Tubbee 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,

W. C. R.

W. C. R.

Commissioner in Charge.

Registered.
Enc.: MCR-5165.

See MCR 2059 for registry receipt for this letter.

CONFIDENTIAL

M.C.R.5165

Muskogee, Indian Territory, March 16, 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 12, 1904, rendered its decision identifying Robert Tubbee as a Mississippi Choctaw Indian, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 641).

Under the provisions of the law above cited, the person so identified, in order to avail himself of the benefits of such identification, 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)

Registered.

Commissioner in Charge.

COPY.

M.C.R. 5165

Muskogee, Indian Territory, March 16, 1904.

Robert Tubbee,

Armore, Indian Territory.

Dear Sir:

Enclosed 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, the person so identified, in order to avail himself of the benefits of such identification, 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)

Commissioner in Charge.

Registered.
Enc.: MCR-5165.

M.C.R.5165

Muskogee, Indian Territory, April 1, 1904.

Effie Tubby,

Marietta, Indian Territory.

Dear Madam:

Receipt is heroby acknowledge of your letter of March 29, 1904, in which you ask if you have been identified as a Mississippi Choctaw.

In reply you are informed that on March 12, 1904, the Commission rendered a decision identifying your father, Robert Tubbee, as a Mississippi Choctaw, entitled to allotment in the lands of the Choctaw and Chickasaw Nations, of which Departmental action he was duly advised on March 16, 1904. Up to the present time the rights of yourself and your sisters, Rachel, Annie, Masie, Betsey and Addie Tubbee, as Mississippi Choctaws, have not been passed upon by the Commission. When a decision is rendered, you will be duly notified thereof.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, May 23, 1904.

Effie Tubby.

Marietta, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 12th instant, by reference from the United States Indian Agent, Union Agency, Muskogee, Indian Territory. Therein you ask to be advised how long before your application for identification as a Mississippi Choctaw will be passed upon by the Commission.

As advised in our letter to you under date of April 1, 1904, the Commission has not yet passed upon your rights to identification as a Mississippi Choctaw. However, the same will receive consideration at as early a date as practicable, when you will be duly notified of such action as may be taken.

Respectfully,

Commissioner in Charge.

M C R 5165

Muskegee, Indian Territory, August 6, 1904.

Effie Tubbee,
Marietta, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 2nd instant, wherein you ask if you have been identified as a Mississippi Choctaw.

In reply you are informed that your rights to identification as a Mississippi Choctaw have not yet been passed upon. When a decision is rendered in your case you will be promptly notified of such action as may be taken by the Commission.

Respectfully,

Commissioner in Charge.

21-2002

Muskogee, Indian Territory, August 17, 1904.

Rachel Tubbee,
Post Office Box #222,
Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you state that your father, Robert Tubbee, is dead, and you desire to be advised as to the procedure necessary in securing his land.

In reply to your letter you are informed it appears from the records of this office that on March 12, 1904, the Commission to the Five Civilized Tribes rendered a decision identifying Robert Tubbee as a Mississippi Choctaw entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws. His name appears opposite number 2002 on a schedule of duly identified Mississippi Choctaw Indians approved by the Secretary of the Interior on May 4, 1904.

As to the rights of deceased Mississippi Choctaws to share 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, held that -

*The making of proof of removal and settlement within the Choctaw-Chickasaw country by a representative of a de-

R T 2

ceased 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."

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 Choctaw and Chickasaw Nations he must have been identified by the Commission to the Five Civilized Tribes as a Mississippi Choctaw, removed to and made settlement within the Choctaw-Chickasaw country, and submitted satisfactory proof of such removal and settlement.

Our records do not show that Robert Tubbee ever submitted at either the Choctaw or Chickasaw Land Office proof of his removal to and settlement within the Choctaw-Chickasaw country, Indian Territory.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August 27, 1904.

Rachel Tubbee,

Post Office Box #222,

Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 19th instant, wherein you ask if the fact that your father, Robert Tubbee, appeared before the Commission at Muskogee, Indian Territory, on March 23, 1903, and stated that he had removed to Indian Territory, is not sufficient proof of his removal and settlement in the Choctaw-Chickasaw country, Indian Territory.

In reply to your letter you are informed 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 be identified by the Commission to the Five Civilized Tribes, remove to and settle in the Choctaw-Chickasaw country, and submit satisfactory proof of such removal and settlement within one year from the date of his identification. As your father was not identified until March 12, 1904, his testimony given on March 23, 1903, could not be accepted as proof of his removal and settlement. Proof of settlement must be made subsequent to identification.

Respectfully,

Chairman.

M.C.R. 5165

COPY.

Muskogee, Indian Territory, September 16, 1904.

Robert Tubbee,

Ardmore, 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 application for identification as Mississippi Choctaws of your six minor children, Effie Tubbee, Rachel Tubbee, Annie Tubbee, Maisie Tubbee, Betsy Tubbee, and Addie Tubbee.

You are further advised that said 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.

Muskogee, Indian Territory, October 13, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

The Commission has the honor to acknowledge receipt of Departmental letter of September 1, 1904 (I. T. D. 7231-1904) inclosing an affidavit of Rachel Tubbee relative to the claim of her father, R Robert Tubbee, a deceased Mississippi Choctaw.

Attention is particularly invited to the statement that on March 23, 1903, Robert Tubbee appeared before the Commission at Muskogee, Indian Territory, and testified that he had removed to the Indian Territory and that his home was Ardmore; and that he was of the opinion and belief that his statement at that time was sufficient proof of his removal to and settlement within the Choctaw-Chickasaw country. In concluding it is requested that the Commission report in full relative to this matter, especially informing the Department what its records show in regard to the proof alleged to have been made in 1903.

Reporting in this matter the Commission has the honor to advise that application was made for the identification of Robert Tubbee as a Mississippi Choctaw by Dibbin Harris at Seale, Missis-

ippi, on April 4, 1902. On March 23, 1903, Robert Tubbee personally appeared before the Commission at its office in Muskogee, Indian Territory, for the purpose of testifying relative to his right to identification as a Mississippi Choctaw. On that date he gave his post office address as Ardmore, Indian Territory, and stated that he had lived there for one month, having prior to that time lived in Winston County, Mississippi.

For the information of the Department there is herewith transmitted a copy of the testimony of Robert Tubbee, of March 23, 1903, the only occasion upon which he ever personally appeared before the Commission and testified either relative to his right to identification as a Mississippi Choctaw or in reference to his removal to and settlement within the Choctaw-Chickasaw country.

On March 12, 1904, a decision was rendered by the Commission identifying the applicant, Robert Tubbee, as a full blood Mississippi Choctaw Indian, under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stat., 641) and his name appears upon a schedule of duly identified Mississippi Choctaws opposite Number 2002, approved by the Secretary of the Interior on May 2, 1904.

It appears, however, that prior to the action of the Commission in identifying Robert Tubbee as a Mississippi Choctaw Indian, he, on May 27, 1903, died, as is evidenced by the affidavits of Rufus and Jane Bell on file with the records of the Commission.

We are of the opinion that the death of Robert Tubbee prior

to his identification as a Mississippi Choctaw deprived him of any rights he might have acquired by reason of said identification.

Apparently this matter is fully covered by the opinion of the Assistant Attorney General for the Department of the Interior, of March 8, 1904, in which he holds as follows:

"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."

It has never before been contended that an applicant for identification as a Mississippi Choctaw could avail himself of the provisions of the act entitling him to make proof of his removal to and settlement within the Choctaw-Chickasaw country, prior to the action of the Commission in passing upon his application. The time within which proof of removal and settlement within the Choctaw-Chickasaw country may be made by Mississippi Choctaws is clearly defined by the forty first section of the act of Congress approved July 1, 1902 (32 Stat., 641) as follows:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

The Commission does not believe that the testimony of Robert Tubbee, of March 23, 1903, can by any possibility be construed as proof of his removal to and settlement within the Choctaw-Chickasaw country, as contemplated by the forty-first section of the act of Congress approved July 1, 1902 (32 Stat., 641).

Robert Tubbee could not, since the date of his identification March 12, 1904, have personally made proof of his removal to and settlement within the Choctaw-Chickasaw country, for the reason that he died prior to that date.

We are clearly of the opinion that whatever rights Robert Tubbee may have had as a Mississippi Choctaw terminated upon the date of his death, May 27, 1903, at which time he merely occupied the status of an applicant. We therefore respectfully recommend that Rachel Tubbee be so advised and that no selection of allotment be permitted to be made in the name of Robert Tubbee, deceased.

The Commission also desires, in connection with this matter to invite the attention of the Department to the fact that the papers transmitted by Rachel Tubbee were apparently prepared and emanated from the office of J. E. Arnold, at Ardmore, Indian Territory.

Attention is particularly invited to the fact that J. A. and Gena Tippit, who witness the signature of Rachel Tubbee have, for the past four or five years, been in the employ of Arnold. Both of these persons, as far as we are able to learn, are thoroughly unreliable and unscrupulous and, acting on behalf of J. E. Arnold, have continually annoyed the Commission both in the matter of the identi-

fixation of Mississippi Choctaws and in the allotment of the lands of
the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

Commissioner.

Nov 7-11

Through the Commissioner
of Indian Affairs.

Commissioner.

M C R 5165

Muskogee, Indian Territory, January 7, 1905.

Effie Tubbee,

Marietta, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter, without date, requesting to be advised whether or not your name has been approved as a Mississippi Choctaw.

In reply you are informed that the record in the matter of the application made by your father, Robert Tubbee, for your identification as a Mississippi Choctaw, together with the Commission's decision refusing said application, was forwarded to the Secretary of the Interior on October 18, 1904, and up to the present time this office has not been advised of any departmental action thereon.

When the Secretary of the Interior passes upon your rights and the Commission is advised thereof, you will be promptly notified of such action as may be taken.

Respectfully,

Chairman.

G.R.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D.15716-1905.

May 14, 1906.

L.R.S.

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

Sir:

Pursuant to section 21 of the act of Congress approved April 26, 1906 (Public No. 129), providing--

"That heirs of deceased Mississippi Choctaws who died before making proof of removal to and settlement in the Choctaw country and within the period prescribed by law for making such proof may within sixty days from the passage of this Act appear before the Commissioner to the Five Civilized Tribes and make such proof as would be required if made by such deceased Mississippi Choctaws; and the decision of the Commissioner to the Five Civilized Tribes shall be final therein, and no appeal therefrom shall be allowed."

The papers relative to the request of Rachel Tubbee, of Ardmore, Ind. T., post-office box No. 222, to be permitted to make proof of removal to and settlement within the Choctaw-Chickasaw country of her father, Robert Tubbee, a deceased Mississippi Choctaw, whose name appears opposite No. 2002 on a schedule of duly identified Mississippi Choctaws approved by the Secretary of the Interior May 4, 1904, are returned to you for a hearing in accordance with the above provision.

Reporting thereon October 18, 1904, the Commission, in accordance with the opinion of the Assistant Attorney-General for this Department of March 8, 1904, wherein he 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," held that "whatever rights Robert Tubbee may have had as a Mississippi Choctaw terminated upon the date of his death, May 27, 1903, at which time he merely occupied the status of an applicant." The Commission denied the request of Rachel Tubbee to submit such proof.

As the said Rachel Tubbee is the daughter and heir of Robert Tubbee, deceased, and in view of section 21 of the act of congress approved April 26, 1906 (Public No. 129), providing for the submission of such proof, you are requested to notify Rachel Tubbee at the above-named address that she will now be permitted, as requested, to submit proof of the removal to and settlement within the Choctaw-Chickasaw country of her father, Robert Tubbee, deceased.

A copy of the Indian Office letter of November 21, 1905, relative thereto, is inclosed.

Respectfully,

(Signed) Jesse E. Wilson.

Assistant Secretary.

1 inclosure.

LAND
75883-1904.

(C O P Y)
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

November 21, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commission to the Five Civilized Tribes of October 18, 1904, acknowledging receipt of Departmental letter of September 1, 1904 (I.T.D. 7231-1904), enclosing an affidavit of Rachel Tubbee relative to the claim of her father, Robert Tubbee, a deceased Mississippi Choctaw Indian.

Attention is particularly invited to the statement that on March 23, 1903, Robert Tubbee appeared before the Commission at Muskogee, and testified that he had removed to the Indian Territory and that his home was at Ardmore; and that he was of the opinion and belief that his statement at that time was sufficient proof of his removal to and settlement within the Choctaw-Chickasaw country. The Commission was also requested to report in full relative to the matter, especially informing the Department what its records show in regard to the proof alleged to have been in 1903.

Reporting the Commission says that application was made for the identification of Robert Tubbee as a Mississippi

Choctaw by Dibbin Marris at Seale, Mississippi, on April 4, 1902. On March 23, 1903, Robert Tubbee personally appeared before the Commission at its office in Muskogee, for the purpose of testifying relative to his right to identification as a Mississippi Choctaw. On that date he gave his post office address as Ardmore, and stated that he had lived there for one month, having prior to that time lived in Winston County, Mississippi.

For the information of the Department the Commission transmitted a copy of the testimony of Robert Tubbee of March 23, 1903, the only occasion upon which he personally appeared before the Commission and testified either relative to his right to identification as a Mississippi Choctaw, or in reference to his removal and settlement within the Choctaw-Chickasaw Country.

On March 12, 1904, a decision was rendered by the Commission identifying the applicant, Robert Tubbee, as a full-blood Mississippi Choctaw Indian, under the provisions of the Forty-first section of the Act of Congress approved July 1, 1902 (32 Stats., 641), and his name appears upon a schedule of duly identified Mississippi Choctaws opposite No. 2002, approved by the Department on May 2, 1904.

The Commission says it appears, however, that prior to its action in identifying Robert Tubbee as a Mississippi Choctaw Indian, he, on May 27, 1903, died, as is evidenced

by the affidavits of Rufus and Jane Bell on file with the records of the Commission.

The Commission was of the opinion that the death of Robert Tubbee prior to his identification as a Mississippi Choctaw deprived him of any rights he might have acquired by reason of such identification.

They further say apparently this matter is fully covered by the opinion of the Assistant Attorney General for the Department of the Interior, of March 8, 1904, in which he holds as follows:

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 33rd 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.

The Commission further says it has never before been contended that an applicant for identification as a Mississippi Choctaw could avail himself of the provisions of the act entitling him to make proof of his removal to and settlement within the Choctaw-Chickasaw country, prior to the action of the Commission in passing upon his application. The time within which proof of removal and settlement within the Choctaw-Chickasaw country may be made by Mississippi Choctaws is defined by the forty-first section of the Act of Congress approved July 1, 1902, as follows:

All persons duly identified by the Commission to the Five Civilized Tribes under the provisions

of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior.

The Commission does not believe that the testimony of Robert Tubbee, of March 23, 1903, can by any possibility be construed as proof of his removal to and settlement within the Choctaw-Chickasaw country, as contemplated by the forty-first section of the act of Congress approved July 1, 1902. Since he could not, after the date of his identification March 12, 1904, have personally made proof of his removal to and settlement within the Choctaw-Chickasaw country, for the reason that he died prior to that date.

The Commissioners were, therefore, of the opinion that whatever rights Robert Tubbee may have had as a Mississippi Choctaw terminated upon the date of his death, May 27, 1903, at which time he merely occupied the status of an applicant. They therefore recommend that Rachel Tubbee be so advised and that no selection of allotment be permitted to be made in the name of Robert Tubbee, deceased.

The Commission also invites attention to the fact that

the papers transmitted by Rachel Tubbee were apparently prepared and emanated from the office of J.E. Arnold, at Ardmore; also to the fact that J.A. and Gena Tippitt, who witnessed the signature of Rachel Tubbee have, for the past four or five years, been in the employ of Arnold, both being unreliable and unscrupulous and, acting on behalf of J.E. Arnold, have continuously annoyed the Commission both in the matter of the identification of Mississippi Choctaws and in the allotment of the lands of the Choctaw and Chickasaw Nations.

The Choctaw-Chickasaw Agreement, section 27, provides that the roll of Citizens of the Nations shall be made as of the date of the final ratification of the agreement- September 27, 1902. Undoubtedly it was the intention that that date should also apply to Mississippi Choctaws who might file applications, or have applications already pending. The law prescribed no particular method which must be pursued by Mississippi Choctaws in making proof of settlement within the Choctaw-Chickasaw country. The Commission shows by the transcript of its record, which is submitted, that on his examination March 23, 1903, Robert Tubbee was then a resident of Ardmore, Indian Territory, having removed from Mississippi a month previous. He was asked, -

Have you removed from the State of Mississippi to the territory in the Chickasaw Nation for the purpose of making this your permanent home?

Answer. Yes, sir.

Question. You intent to stay here?

Answer Yes, sir.

This clearly shows that the Commission took all the proof necessary to establish the fact that Robert Tubbee had become a bona fide resident of the Choctaw-Chickasaw country with the intention of making it his home. A subsequent appearance before the Commission for the purpose of making the same character of proof would be absolutely unnecessary for the purposes of the Commission, the Nations, or the Government of the United States. The fact that this proof was made while his application was still pending and unsettled should not be held to have fallen short of compliance with the letter or spirit of the law. The opinion of the Assistant Attorney General referred to does not cover the case under consideration and can not fairly be construed as laying down a rule which would be a bar to the claim in this case.

The fact that J.E. Arnold and his assistants were connected in some way with this claim should in no respect be permitted to obscure the issue or operate to the prejudice of a bona fide claimant. I can see no justification for a refusal of the right of the representative of Robert Tubbee to select land in his behalf in the Choctaw-Chickasaw country, and therefore recommend that the attitude and recommendation of the Commission be not approved.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

Muskogee, Indian Territory, June 8, 1906.

Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

Your attention is invited to that portion of section 21 of the Act of Congress approved April 26, 1906 (Public 129), as follows:

"That heirs of deceased Mississippi Choctaws who died before making proof of removal to and settlement in the Choctaw country and within the period prescribed by law for making such proof may within sixty days from the passage of this Act appear before the Commissioner to the Five Civilized Tribes and make such proof as would be required if made by such deceased Mississippi Choctaws; and the decision of the Commissioner to the Five Civilized Tribes shall be final therein, and no appeal therefrom shall be allowed."

The construction placed by this office upon the provision of law above quoted was to the effect that persons duly identified by the Commission to the Five Civilized Tribes as Mississippi Choctaws and who during their lifetime removed to and established their residence within the Choctaw-Chickasaw country within the time prescribed by the Act of Congress approved July 1, 1902 (32 Stats., 541), and who died prior to the submission of the proof of their removal and settlement as required by the Act of Congress last above referred to, and within the period prescribed by law for making such proof, were entitled to have an allotment

Chickasaw Land Office 2

selected and designated in their names, upon the submission by their heirs within a period of sixty days from April 26, 1906, of proof of the removal to and settlement within the Choctaw-Chickasaw country of such deceased persons within a period of six months from the date of their identification by the Commission to the Five Civilized Tribes. This office did not consider that the grant contained in section 21 referred to, extended to any persons identified as Mississippi Choctaws where the records in the possession of this office, or such record as might hereafter be obtained, showed that they died prior to the date of their identification by said Commission.

It had been uniformly held by this office that no rights attached to a Mississippi Choctaw claimant until his or her identification by the Commission to the Five Civilized Tribes and that such identification was of the date of the rendition of the decision of said Commission. Under this construction proof of removal and settlement attempted to be made by heirs of deceased Mississippi Choctaws has been declined where the evidence showed that the identified Mississippi Choctaw died prior to the date of the decision of the Commission to the Five Civilized Tribes identifying them.

The Department on May 14, 1906 (I T D 15716-1905), submitted to this office the case of Robert Tubbee, a deceased Mississippi Choctaw, whose name appears opposite number 2002 on a schedule of duly identified Mississippi Choctaws approved by the Secretary

Chickasaw Land Office 3

of the Interior May 4, 1904. In this case it appears that Robert Tubbee was identified by the Commission to the Five Civilized Tribes as a full blood Mississippi Choctaw March 12, 1904. The record shows, however, that the said Robert Tubbee died May 27, 1903, prior to the date of his identification by the Commission to the Five Civilized Tribes, and that the application of Rachel Tubbee, daughter of Robert Tubbee, to make proof of the removal to and settlement within the Choctaw-Chickasaw country of her father was refused. This decision of the Commission to the Five Civilized Tribes was in conformity with the opinion of the Assistant Attorney General for the Department of the Interior of March 8, 1904, in which it was 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."

The Department in its letter of May 14, 1906, in discussing the Robert Tubbee case in connection with section 21 of the Act of Congress of April 26, 1906, supra, states as follows:

"As the said Rachel Tubbee is the daughter and heir of Robert Tubbee, deceased, and in view of section 21 of the Act of Congress approved April 26, 1906 (Public No. 129), providing for the submission of such proof, you are requested to notify Rachel Tubbee at the above named address that she will now be permitted as requested to submit proof of the removal to and settlement within the Choctaw-Chickasaw country of her father Robert Tubbee, deceased."

There is enclosed herewith for your information copy of Departmental letter of May 14, 1906, accompanied by the report of

Chickasaw Land Office 4

the Acting Commissioner of Indian Affairs of November 21, 1905.

Your office is accordingly directed to accept for consideration the testimony and such other evidence as may be submitted concerning the removal to and settlement within the Choctaw-Chickasaw country of deceased identified Mississippi Choctaws who died prior to the submission of such proof. This proof should be submitted by their heirs as provided by section 21 of the Act of Congress approved April 26, 1906. However, you are directed not to permit any selections of allotment or to take any further proceedings in reference to this class of persons until specifically instructed by this office. In each of these cases the record should be transmitted to the General Office.

In cases where your office declined to receive and consider proof of removal and settlement of any deceased Mississippi Choctaws who died prior to the date of their identification by the Commission to the Five Civilized Tribes, you will now notify their heirs and other parties in interest of this action of the Commissioner and advise them that proof of such removal and settlement may be submitted at your office on or before June 25, 1906.

Respectfully,

McM 8/1

Commissioner.

G 2002

Muskogee, Indian Territory, June 8, 1906.

Robt. E. Lee,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, transmitting certain affidavits in support of the removal to and settlement within the Choctaw-Chickasaw Country of Robert Tubbee, deceased, a duly identified Mississippi Choctaw. The affidavits are herewith returned and you are informed that the Chief Clerk of the Chickasaw Land Office has this day been instructed to hear such testimony as may be presented at the Chickasaw Land Office within sixty days from April 26, 1906, by heirs of Robert Tubbee and other witnesses, relative to the removal to and settlement within the Choctaw-Chickasaw Country of said Robert Tubbee, deceased.

Respectfully,

Commissioner.

McM 8/2

G 2002

Muskogee, Indian Territory, June 8, 1906.

Rachel Tubbee,

Post Office Box No. 222,

Ardmore, Indian Territory.

Dear Madam:

In accordance with Departmental instructions of May 14, 1906 (I T D 15716-1906), you are hereby notified that you may appear at the Chickasaw Land Office at any time within sixty days from April 26, 1906, and submit testimony relative to the removal to and settlement within the Choctaw-Chickasaw country of your deceased father, Robert Tubbee, a duly identified Mississippi Choctaw.

The Chief Clerk of the Chickasaw Land Office has this day been instructed in regard to this matter.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JP
FKK

I.T.D. 20546-1906.

November 1, 1906.

LRS

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

Sir :--

The motion for rehearing by the mixed blood minor children of Robert Tubbee, identified Mississippi Choctaw, in the consolidated Mississippi Choctaw case of Scott Bell, et al (See Departmental letter of January 31, 1905), received with your letter of July 31, 1906, without recommendation, is returned herewith for your views as to the effect upon such children of that portion of the act of June 21, 1906 (34 Stat, 325), which provides:

"That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes, except for minors the children of Indians by blood, or of freedmen members of said tribes, or of Mississippi Choctaws identified under the fourteenth article of the treaty of eighteen hundred and thirty, as herein otherwise provided, and the fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment."

While this motion is insufficient to warrant a rehearing upon the vague alleged compliance of an alleged ancestor with the fourteenth article of the treaty of 1830, it is sufficient to justify the enrollment of these children if said provision of the act of June 21, 1906, contemplated the enrollment of mixed blood minor children of persons enrolled as Mississippi Choctaws by virtue of the 41st section of the agreement with the Choctaw and Chickasaw nations (32 Stat., 641).

-2-

The record in the case of Scott Bell et al is also inclosed to be returned with your report, which it is requested you will make at an early date. A copy of Indian Office letter of October 11, 1906 (Land 66645), submitting the motion for rehearing, is also inclosed.

Respectfully,

(Signed) R. A. Hitchcock,
Secretary.

Through the Commissioner
of Indian Affairs.

3 inclosures.

DIRECT.

(C O P Y)

W.H.M.

Y. P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.20546-1906.
D. C.8795

February 12, 1907.

L. R. S.

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

Sir:

Attention is called to the consolidated Mississippi
Choctaw case of Scott Bell, et al, the subject of departmental
letter of November 1, 1906.

In view of the provisions of section 2 of the act of
April 26, 1906 (34 Stat., 137), it is requested that if final
action has not been taken by you in the matter, that such ac-
tion be taken without delay.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

A. F. Mc.
2-13-07.

G 2002

32

IN RE
THE DEATH OF

Robert Tubbee

a citizen of the

Miss. Choc' Nation.

Approved

190

Commissioner.

DEPARTMENT OF

Commissioner

FILED

APR 19 1907

Commissioner.

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

In the matter of the death of Robert Tubbee
(Here insert name of deceased.)
a citizen of the Choctaw Nation, who formerly resided at or near
Ardmore Ind. Ter., and died on the or about 14th day of
April, 1903
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY,

Southern DISTRICT.

I, Rachael Tubbee, on oath state that I am sixteen
years of age and a citizen, by blood, of the Choctaw Nation;
that my postoffice address is Ardmore, Ind. Ter.; that I am
a Daughter of Robert Tubbee
(State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Choctaw Nation
and that said Robert Tubbee died on the or about 14th day of
April, 1903
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must Be Two Witnesses.)
Robert E Lee
Old Harway
Houston Bell

Rachael Tubbee
Jane Bell

Subscribed and sworn to before me this 25th day of March, 1903

Old Harway
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY,

Southern DISTRICT.

I, Jane Bell, on oath state that I am sixty
years of age, and a citizen by blood of the Choctaw Nation;
that my postoffice address is Ardmore, Ind. Ter.;
that I was personally acquainted with Robert Tubbee
(Here insert name of deceased.)
who was a citizen, by blood, of the Choctaw Nation;
and that said Robert Tubbee died on the or about 14th day of
April, 1903
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must Be Two Witnesses.)
Robert E Lee
Old Harway
Houston Bell

Jane Bell
mark

Subscribed and sworn to before me this 25th day of March, 1903

Old Harway
Notary Public.

No. _____
For Identification as a Mississippi Choctaw.

Scale Miss. _____
Date _____

Name, _____

Robert _____

Age

30

Blood

full

Post Office, _____

Aden, Miss.

Father:

Scochtubbee

d

Mother:

Fannie

d

Claims through

wife

Jennie Tubbee $\frac{7}{8}$ ~~full~~ d

Father

Simon

d

Mother

Martha Thompson $\frac{3}{4}$ d

Children:

(F) 14

F _____

F _____

F _____

Stenographer

No. 5165

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name Robert Tubbee

Age 34 Blood free

Post Office Ardmore, S. T.

Father

Mother:

Claims through

(Additional
Testimony)

Children

Effie	14
Rachel	13
Annie	12
Maisie	10
Betsy	8
Addie	2.

Stenographer

R. B. Eisenberg

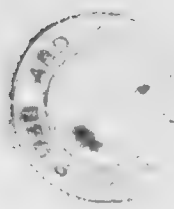
Call attention to Jane Bell, and 5 nieces, apparently full-bloods, living near Oil Mill in Ardmore, not yet identified,----

In destitute circumstances.

MCR 5166.

11111111

NOV 1904



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCHEE, IND. TER.

13567

10839

740
740

Robert Tubbee,

~~Attn: Mr. Tubbee, Muskogee, Ind. Ter.~~

REGISTERED
MUSKOCHEE, IND. TER.



Choctaw MCR 5166

Jane Bell

See MCR 5156

MCR 5166

5166

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, April 4, 1902.

In the matter of the application of Jane Bell, for the identification of herself as a Mississippi Choctaw, represented by Dibbin Marris.

Dibbin 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 Dibbin Marris.
Q How old are you? A Sixty.
Q What's your post office address? A North Bend, Mississippi.
Q Do you live in Neshoba County? A Yes, sir.
Q You have heretofore appeared before the Commission in your own behalf? A Yes, sir.
Q And have this day appeared before the Commission in behalf of your invalid son, Marris Marris? A Yes, sir.
Q Are you acquainted with a woman by the name of Jane Bell? A Yes.
Q How long have you known her? A I been knowing her all her life.
Q Is she any kin to you? A She is a full sister of my wife.
Q Last wife, Jennie? A Yes.
Q About how old is she? A About fifty five.
Q How much Choctaw blood has she? A Three quarters blood.
Q What's her post office address? A Aden, Mississippi.
Q In what County does Jane live? A Winston.
Q Has she lived here in Mississippi all her life? A Yes.
Q Is her father living? A Dead long time.
Q What was her name? A Robert Bell.
Q Do you know the name of Jane's mother? A No.
Q How long has she been dead? A Been dead a good while.
Q Was she a full blood Choctaw? A Yes.
Q Robert was a half blood, was he? A Yes.
Q Do you know whether any application of any kind has ever been made for Jane before today for the purpose of establishing her rights as a Choctaw Indian? A I don't know.
Q You never heard of her ever having made any application? A No.
Q Has she any children living? A No.
Q Was she ever married? A No.
Q With whom does she live? A Lives with Robert Tubbee.
Q Is she any relation to him? A She is some kin to Robert Tubbee's wife.
Q What kin? A I reckon is her aunt.

(Special reference is hereby made to the testimony of Dibbin Marris, given on this date, in support of the application of his invalid son, Marris Marris; also, his testimony in support of the application of Wash Bell for identification as a Mississippi Choctaw, given before the Commission this day.)

Jane Bell, 2.

(Jane Bell, who is a sister of Wash Bell, lives in the edge of Winston County, across Pearl River, from the camp of the Commission, and it would be impossible for her to reach the Commission within at least ten days. This woman was never heard of by the Commission until today during the examination of Dibbin Harris. Other Indians living near her have been notified of the presence of the Commission at this place, and she is no doubt aware of our presence here.)

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, April 4th, 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 Meridian, Mississippi, this 15th day of April, 1902.

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

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I.T., March 23, 1903.

Additional testimony in the matter of the application of Jane Bell for identification as a Mississippi Choctaw. M.C.R. 5166.

Applicant represented by J. G. Ralls.

Jane Bell, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Jane Bell.
Q What is your age? A 48.
Q What is your postoffice address? A Ardmore.
Q Where did you live prior to moving to Ardmore? A Aden, Mississippi.
Q You lived in Winston County, did you? A Yes.
Q When did you come to the Territory? A Month ago.
Q Prior to moving to the Indian Territory one month ago you always lived in Mississippi, did you? A Yes.
Q What is your father's name? A Robin Bell.
Q Was his name Robin or Robert Bell? A Robin Bell.
Q What is your mother's name? A Susie Bell.
Q Is your father living? A He died.
Q Is your mother living? A No.
Q How much Choctaw blood did your father have? A I don't know.
Q What was your father's father named? A Don't know.
Q What was your father's mother's name? A Don't know.
Q Do you know the names of either of your mother's parents? A Don't know - died long time ago.
Q How much Choctaw blood do you claim to have? A 3/4.
Q Is Wash Bell your brother? A Yes.
Q Full brother? A Yes.
Q Are you married? A No.
Q Ever been married? A No.
Q Got any children? A No.

This applicant is the identical Jane Bell whose application was made at Seale, Mississippi, April 4, 1902, by Dibbin Marris.

- Q Your father, Robert Bell, was 1/2 Choctaw, was he not? A Yes.
Q Your mother a full blood? A Yes.
Q Do you appear before the Commission at this time for the purpose of giving additional testimony in the matter of the application made by Dibbin Marris on April 4, 1902, for your identification as a Mississippi Choctaw? A Yes.
Q Article 14 of the treaty of 1830 reads as follows: "Each Choctaw head of a family, being desirous to remain and become a citizen of the states, shall be permitted to do so by signifying his intention to the agent within six months from the ratifica-

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

- Q Do you know whether any of your Choctaw ancestors ever appeared before the United States Indian Agent in Mississippi within six months after the ratification of the treaty of Dancing Rabbit Creek and signified to him their intention to remain there, take land and become citizens of the United States. Do you know anything about that? A My father did.
- Q About how old would your father be if living? A About 80 years.
- Q Do you know the name of your father's father? A No.
- Q Do you know the name of your father's mother? A Don't know.
- Q Do you know the name of your mother's father or mother's mother? A Don't know.
- Q Do you know the names of any of your ancestors any further back than your father? A No.
- Q Where was this land located that you say your father got from the Government? A Noxapater.
- Q In what county in Mississippi was that? A Neshoba.
- Q How much land did he get? A About 160 acres.
- Q Do you know whether he got that land under article 14 of the treaty of 1830? A Don't know.
- Q Do you know whether any of your Choctaw ancestors ever received any land in Mississippi from the government of the United States under article 14 of the treaty of 1830. A I don't know.
- Q Now, all you know is that your father got 160 acres of land there from the government.
- Q Do you know how many brothers or sisters your father had? A Got one brother, Alex Bell.
- Q Was Alex Bell older or younger than your father? A Younger.
- Q Do you know how much younger? A Don't know.
- Q And you don't know the names of your father's parents? A Don't know.
- Q In 1837 and 1842 the government appointed commissions who went to Mississippi to hear claims of Choctaws who claimed that they had complied with article 14 of the treaty of 1830 but that their land was taken from them by the government. Do you know whether any of your Choctaw ancestors went before either of the commissions appointed in 1837 or 1842 and endeavored to establish their rights under article 14 of the treaty of 1830? A Don't know.
- Q You speak and understand the Choctaw language? A Yes.
- Q Who now owns that land that your father got from the government? A Wash Bell.
- Q Your brother? A Yes.
- Q Your brother still owns that land and lives on it? A Yes.

3 - Jane Bell.

Q Have you got a brother Hargis Bell? A Yes.
Q Did you have a sister named Jennie who married Dibbin Marris?
A Yes.
Q Did you have a sister named Rosanna who married Watson Marris?
A Yes - my sisters all died.
Q Have you moved from the state of Mississippi to the Choctaw
Nation for the purpose of making your home? A Yes.

This applicant has the appearance of possessing fully as much Choctaw blood as claimed by her - in fact could easily be mistaken for a full blood Choctaw. She speaks the Choctaw language and some English. She has no knowledge of compliance upon the part of her ancestors with the provisions of the 14th article of the treaty of 1830, except that she states that her father, Robert Bell, received some land in Mississippi from the government and that her brother, Wash Bell, now lives on that land.

May Hudson upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

May Hudson

Subscribed and sworn to before me this April 21, 1903.

John S. Lieber
Notary Public.

Copy

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

Wash Bell, et al.,	M.C.R. 5156
Lula Bell,	M.C.R. 5157
Edna Bell,	M.C.R. 5158
Albert Isom, et al.,	M.C.R. 5159
Sallie Bell, et al.,	M.C.R. 5168
Jane Bell,	M.C.R. 5166

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

It appears from the records of the Commission that application was made by Wash Bell before the Commission to the Five Civilized Tribes at Philadelphia, Mississippi, on February 2, 1899, for the identification of himself, his wife, Winnie Bell, his daughter Lulu (Lula) Bell, his daughter Edna Bell, his daughter, Hasy (Hasey), now Hasey Isom, and his minor children, Nash, Martha and Johnnie Bell; application was made by Sallie Bell for the identification of herself and her two minor children, Callie and Rufus Bell, before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on March 23, 1903; and application was made by Jane Bell for identification as a Mississippi Choctaw before the Commission at its office at Muskogee, Indian Territory, on March 23, 1903; the applications above referred to having been made 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 Winnie Bell and Sallie Bell, who are full blood Mississippi Choctaw Indians, have been by this Commission duly identified as Mississippi Choctaws under the provisions 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 of the applicants herein, except those heretofore identified, 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 Robert Bell, who is alleged to have been an one-half blood Choctaw Indian, and Susie Bell, 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 and Chickasaw Citizenship Court created under the Act of Congress approved July 1, 1902, (32 Stats., 641).

From the evidence submitted in support of said applications it appears that all the applicants herein, except those heretofore identified, are lineal descendants of Robert Bell, an one-half blood Choctaw Indian, who resided and owned improvements in Neshoba County, Mississippi, in eighteen hundred and thirty; that Wash Bell, the principal applicant herein, and Jane Bell, applicant in M C R 5166, are children of the said Robert Bell and his wife, Susie Bell, who is alleged to have been a full blood Choctaw Indian, and the grandchildren of Jimmy Bell, a white man; that Robert Bell signified his intention to comply with article fourteen of the treaty of eighteen hundred and thirty, and by virtue thereof received land in Neshoba County described as section 4, township 12, range 12 E, which land the principal applicant herein is living upon at the present time.

It is found that the name Robert Bell appears upon pages 140, 204, 205, 208, 223, and 316, Volume I, Claimant's Brief and Evidence, in the case of the Choctaw Nation vs. United States, before the Court of Claims, case No. 12742, in a number of lists, statements and depositions relating to claims under article fourteen, wherein it appears, among other things, that Robert Bell was an one-half blood Choctaw Indian, who married a Choctaw woman and who resided in northwest quarter of section 4, township 12, range 12 E. It further appears from said record that the case of said Robert Bell was favorably adjudicated by Commissioners Murray and Vroom, appointed under the act of Congress of March 3, 1837, they finding that Robert Bell signified to Col. Ward his intention to remain in Mississippi for five years, become a citizen of the State and take land under article fourteen of the treaty of (Dancing Rabbit Creek.)

The evidence herein shows that Robert Bell, through whom these applicants claim, is the identical Robert Bell whose name

(4)

appears in the record above cited and whose case was favorably adjudicated by the Commission appointed under the Act of Congress of March 3, 1857.

It is therefore the opinion of this Commission that the evidence herein is sufficient to determine the identity of Wash Bell, Nash Bell, Martha Bell, Johnnie Bell, Lula Bell, Edna Bell, Hasey Isom, Callie Bell, Rufus Bell and Jane Bell as Choctaw Indians, entitled 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 granted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) TAMS BIXBY
Chairman.

(Signed) T. B. NEEDLES
Commissioner.

(Signed) C. R. BRACKINRIDGE
Commissioner.

Muskogee, Indian Territory,

SEP 27 1904

Department of the Interior,
RECEIVED.
MAR 29 1904
Enc. No. 1 of No. 2445
Indian Territory Division.

Department of the Interior,
RECEIVED.
MAR 28 1904
Enc. No. 1 of No. 2445
Indian Territory Division.

Indian Territory,
Southern District
ss.

Joe Jemerson, being here first by me duly sworn, deposes and states on oath that he is about 78 or 79 years old, that his post office address is Ardmore, Indian Territory. That he is not definite about his age, but that he was about 13 years old when the Government transported the first Choctaw Indians from Mississippi to Indian Territory; that from his earliest remembrance he knew Robert Bell, a half breed Choctaw Indian, who was the son of Jimmy Bell; that at the time of the making of the Treaty of 1830 said Robert Bell lived in the Northern part of Neshoba County right on the line between Neshoba and Winston Counties, on Noxapater Creek; that said Robert Bell went before the U. S. Indian Agent and gave in his name to stay in the state of Mississippi and take land, and that the land he selected was Section 4, Township 12 North, Range 12 East of Choctaw Meridian, said land being just South of the line between Neshoba and Winston County; that said Robert Bell lived on said land until he died about 20 years ago. That since his death Wash Bell, son of Robert Bell has lived upon said land. That I have known Jane Bell, the daughter of said Robert Bell all my life; that said Jane Bell now lives at Ardmore, Indian Territory, and that she has never been married and she has no person to help her, and that she is now in destitute circumstances and that she left her home in Mississippi and came to the Indian Territory in good faith to remain and live among her Tribe.

WITNESSED TO MARK:

M. L. [Signature]
J. R. [Signature]

Joe Jemerson
mark

Subscribed and sworn to before me this the 24th day of March

A. D. 1904.

[Signature]
Notary Public.

Indian Territory, |
Southern District. | ss.

Jane Bell, being first duly sworn deposes and states on oath that she is about 60 years old, and her post office address is Ardmore, Indian Territory; that she is the identical Jane Bell who appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory on or about March 23, 1903 and made application for identification as a Mississippi Choctaw, (M C R 5166).

That she is three-quarters Choctaw Indian, and understands that in order to be identified as a Mississippi Choctaw she must show that she is the descendant of a Choctaw Indian that complied with the provisions of the 14th article of the Treaty of 1830; that since she appeared before the Commission at Muskogee, Indian Territory on March 23, 1903, she had investigated the matter, and that she now has a certified copy of the patent that was issued to her father, Robert Bell, to Section 4, Township 12 North, Range 12 East, of the Choctaw Meridian under the provisions of the 14th article of the Treaty of 1830 between the United States and the Choctaw Indians in the state of Mississippi at Dancing Rabbit Creek. That said patent was issued to her father, Robert Bell, in 1846, and that the original patent to said land is now in the possession of her brother, Wash Bell, whose postoffice address is Allen Miss.; that according to her best information her brother, Wash Bell, is now using and occupying said land; that said land has ~~not~~ been in possession of her father and family since her earliest remembrance. Further, that Joe Jermerson, (M C R 2047) will corroborate this statement; that said Joe Jermerson has known her since her infancy and personally acquainted with her father, Robert Bell.

Further that she is a very old woman, and has no person to assist her to procure the necessities of life, and that she is now entirely without any money, or means necessary to make the travel of the great distance from Ardmore to Muskogee to present these facts to the Commission to the Five Civilized Tribes.

Department of the Interior,
RECEIVED.
MAR 29 1904
Enc. No. 2 of No. 2445
Indian Territory Division.

Department of the Interior,
RECEIVED.
MAR 28 1904
Enc. No. 2 of No. 2445
Indian Territory Division.

Further that she is getting old and feeble, and her health is very bad, and she is not physically able to travel; that she has left her home in Mississippi and moved to the Chickasaw-Choctaw country in good faith to remain among her Tribe here. That unless the Department will accept this affidavit and the affidavit of Joe Jemerson hereto attached as sufficient evidence to identify her as a Mississippi Choctaw; or unless the Department will authorize some person to take her testimony and that of Joe Jemerson at Ardmore, Indian Territory ~~she is~~ for the reasons herein stated further she is unable to prosecute her right to identification as a Mississippi Choctaw ~~in this country~~.

WITNESSES TO MARK:

J. R. Shannon
U. L. Linn

Gene ^{for} Bell
 mark

Subscribed and sworn to before me this the 24th day of March A. D. 1904.

Lena Tippit
 Notary Public

Ardmore, I. T. February 16, 1903.

To the Commission to the Five Civilized Tribes,

Wishagee, 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:

Handwritten signature
Handwritten signature

Handwritten signature
Handwritten signature

(INDEXED.)

COMMISSION TO THE TRIBES.	
No.	Received
412	ANSWERED
1904	Jan 6 1904

JAN 6 1904

Bell, Jane,
Ardmore, I.T.,
Jan. 5, 1904.

Wants to know necessary
steps for enrollment of
herself and certain children
as Mississippi Choctaws.
Also wants copy of her
application given March
23, 19 03 .

CHOC-CHIC

MER

~~1858~~
5766

Arden, Miss. January 5. 1914
% S. B. B. B.

Commission to Five Tribes.

Muskogee I. T.

Gentlemen:-

I appeared before the Commission at Muskogee March 23, 1913, and on April 4. 1912, Robin Morris made application for me at Seale, Miss, M. C. R 5166, of which application I have a copy, but I have not a copy of application made March 23, and will you please send me copy of same.

My father, Robert Bell, received a patent to land in Miss. in 1846, and my brother Wash Bell is now living on this land, which is located about 3 miles North west of Aberdeen, Miss. and he has the original patent to same. I have tried to get this patent to file in support of my application but he will not let me have it. This land is in Sec. 4, T. 12 N. R. 12 E. Choctaw Meridian, Miss.

I understand it will be necessary to make proof of this compliance of my father with the provisions of the 4th article of the treaty of 1830 before I can be enrolled. I am a poor woman and have no man to help me, and I have the 5 orphan girls of Robert Tubbee, now deceased, to take care of. The 5 children are grandchildren of my sister and they have not been enrolled. Please advise me what is necessary for me and them to be enrolled.
% S. B. B. B. Jane Bell

M C R 5166
M C R 5165

Muskogee, Indian Territory, January 8, 1904.

Jane Bell,

In care of Gena Tippit,

Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th instant, in which you ask to be advised of the steps necessary to take to secure the identification of yourself and five orphan girls of Robert Tubbee, now deceased, as Mississippi Choctaws.

In reply you are informed that it appears from our records that application has been made to this Commission for the identification of yourself and the minor children of Robert Tubbee, but up to the present time no decision has been rendered relative to your rights to such identification. When a decision is rendered, you will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

INDEXED

APR 21 1904

11361

Tippit, Gena,
Ardmore, I.T.,
March 24, 1904.

Transmits affidavits in
matter of application
of Jane Bell for
identification as a
Mississippi Choctaw.

CHOC-CHIC ENROLLMENT.

Book 360
p 24

5166

Department of the Interior

April 11, 1904

Respectfully request of the
Commission to the Federally
Recognized Tribes for consideration
and appropriate action.

Shokeyan

Acting Secretary.

hls

RECEIVED
APR 11 1904
2445

Ardmore, I: T. March 24, 1904.

Hon. Secretary of the Interior,
Washington, D. C.

Sir:-

Enclosed find affidavits of Jane Bell and Joe Jemerson for your consideration in the matter of the application of Jane Bell for identification as a Mississippi Choctaw.

Jane is very old and feeble and is in very hard circumstances and anything you can do to relieve her situation will be appreciated. I knew her when she lived in Mississippi and since her removal here have nursed her in sickness, and am just a friend of hers. She is ignorant and request me to transmit you these affidavits, and that whatever you are able to do for her in this matter to advise me.

Very truly,

(Miss) Lena Tappet

M.C.R.5166

Muskogee, Indian Territory, April 21, 1904.

Gena Tippit,

Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 24, 1904, addressed to the Secretary of the interior and by him referred to this Commission for consideration and appropriate action. In your letter you enclose affidavits of Jane Bell and Joe Jemmerson, offered in support of the Mississippi Choctaw application of Jane Bell.

The same have been filed with the records of the Commission.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 30, 1904.

Jane Bell,

Ardmore, Indian Territory.

Dear Madam:

On March 24, 1904, you made an affidavit which has been forwarded to this Commission to be made a part of the record in your case, wherein you state that your father, Robert Bell, received a patent to land located in Neshoba county, Mississippi, and that you had in your possession a certified copy of the same. If such is the case you are directed to forward the same at once to this Commission for use in the determination of your rights as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

INDEXED

JUL 13 1904

23470

Bell, Jane,
Ardmore, I.T.,
July 8, 1904.

Asks status of her case as
a Mississippi Choctaw.

CHOC-CH C. POLYMER,

5166

Arkmore, I.T. July 5-1904

The Commission to the Five
Civilized Tribes,

Muskogee, I.T.

Gentlemen:-

On March 29 1904 I addressed a letter to
the Hon. Secretary of the Interior with reference to
my application for identification as a Mississippi
Choctaw (M. C. R. 0700), and in said letter enclosed
affidavits of Lee Sumner and myself in
support of my said application. I am informed
that the said affidavits were referred to your
Commission and by you filed with the
records of the Commission.

However I have heard nothing further,
and as I am in destitute circumstances it would
be a great relief to me could I be identified and
allowed to visit my relatives. Will you please
advise me whether any action has been taken
in my case, and if not when is it probable
a decision will be rendered? Any information

M C R 5166

Muskogee, Indian Territory, July 13, 1904.

Jane Bell,

In care of Gena Tippit,

Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 8th instant, asking what disposition has been made of your application for identification as a Mississippi Choctaw.

In reply you are advised that the record in the matter of your application for identification as a Mississippi Choctaw is now receiving the consideration of the Commission and it is probable that a decision will be rendered in your case in the very near future. You will be promptly notified of such action as may be taken.

Respectfully,

Chairman.

INDEXED

ell, J. e,

now nation,
1914.

patent
copy
file.

M C R 5166.

Ardmore, Indian Territory. August 12th, 1904.

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

Gentlemen:

Your letter of June 30th, 1904 just received, wherein you request me to forward to you certified copy of patent issued to my father, Robert Bell, to the land he received under the provisions of the Fourteenth Article of the Treaty of 1830.

I ~~respectfully~~ herewith enclose same, and respectfully request that you file same with the record in my case; also that you consider the affidavits of myself and Joe Jermerson under date of March 24, 1904 in connection with this patent, and oblige,

Will you kindly address ~~all~~ my mail in care of Gena Tippit Ardmore, Indian Territory, and it will be promptly received.

WITNESSES TO MARK:

J. A. Tippit
Gena Tippit

James ^{Per} ~~max~~ Bell

Subscribed and sworn to before me this the
12th day of August A. D. 1904.

Gena Tippit
Notary Public.

K C R 5166

Muskogee, Indian Territory, August 30, 1904.

Jane Bell,

Post Office Box #222,

Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing certified copy of patent to land which your father, Robert Bell, received in Mississippi. The same has been filed with the record in the matter of your application for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

COPY.

M C R 5166

Muskogee, Indian Territory, September 27, 1904.

Jane Bell,

Aden, Mississippi.

Dear Madam:

Enclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying you as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), in order for the persons so identified to avail themselves of the benefits thereof they 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 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-

J B 2

Chickasaw country, at the earliest practicable date.

Respectfully,

(SIGNED)

Tame Bixby.

Registered.

Chairman.

Enc. M O R 3166

No. 5166

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1891

Name

Jane Bell

Age

48

Height

5/4

Post Office

Ardenmore, I. T.

Father

Mother

Claims Through

(Additional Testimony)

Children

Stenographer

R. B. Eisenberg

1000

No. 5156

For Identification as a Mississippi Choctaw.

Seale Miss.

Date

APR 4 1902

Name

Jane Bell

Age

55

Blood

3/4

Post Office,

Aden, Miss.

Father:

Robert Bell 1/2 d

Mother:

-don't know- d

Claims through

Children:

Stenographer

R. S. Street

Choctaw MCR 5167

Callie Bell

See MCR 5156, 322

Trans to MCR 5168

(Jacket Empty)

MCR 5167

MISSISSIPPI CHOCTAW,

Ellie Bell

REFER TO M. C. R. 5156

CANCELLED

Record transferred to MCR 5168

see Miss Cho Card # 322.

7/3

*Schedule 3/10/29
No 1140*

Copy sent to 5168.

Choctaw MCR 5168

Sallie Bell

See MCR 322, 5156

MCR 5168

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

---C---

In the matter of the application of Sallie Bell, et al.,
for identification as Mississippi Choctaws.

---O---

Herein is the record in the matter of the application of
Sallie Bell, et al., for identification as Mississippi
Choctaws, M.C.R. 5168.

---O---

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

---o---

In the matter of the application of Sallie Bell, et al., for
identification as Mississippi Choctaws, M.C.R. 5168.

--: I N D E X :--

	(Page)
Original application of Sallie Bell, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of Sallie Bell-----	4
Decision of the Commission identifying Sallie Bell as a Mississippi Choctaw Indian-----	7

---o---

5165

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, April 4, 1902.

In the matter of the application of Sallie Bell for the identification of herself and minor child, Rufus, as Mississippi Choctaws, represented by Dibbin Marris.

Dibbin 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 Dibbin Marris.
Q How old are you? A Sixty.
Q What's your post office address? A North Bend, Mississippi.
Q Do you live in Neshoba County? A Yes, sir.
Q How much Choctaw blood have you? A One-half.
Q You have heretofore appeared before the Commission in your own behalf? A Yes, sir.
Q And have this day appeared before the Commission in behalf of your invalid son, Marris Marris? A Yes, sir.
Q Are you acquainted with a woman by the name of Sallie Bell? A Yes, sir, she is the widow of my wife's brother, Harges Bell.
Q How long have you known Harges? A All my life.
Q How long have you known Sallie? A All her life.
Q About how old is she? A About fifty years old.
Q How much Choctaw blood has she? A Full blood.
Q Where does she live? A In Winston County.
Q What's her post office address? A Aden, Mississippi.
Q Has she lived in Mississippi all her life? A Yes.
Q Is her father living? A No, sir.
Q Do you know his name? A No.
Q Is her mother living? A No.
Q Do you know the name of any of Sallie's grand parents? A Don't know.
Q How much Choctaw blood did Harges have? A Three-quarters.
Q What was the name of his father? A Robert Bell.
Q Mother? A Don't know.
Q Was Sallie ever married before she married Harges? A No.
Q Has Sallie any minor children living? A Got one.
Q Rufus? A Yes.
Q About how old is he? A About eighteen.
Q Is he living with Sallie now? A Yes, he lives with Sallie.
Q Has Sallie any children living with her who are of age? A Yes, he daughter, Callie.
Q About how old is Callie? A About twenty one years old.
Q Is she the daughter of Sallie and Harges? A Yes.
Q Was she ever married? A No.
Q Has Sallie any other children living with her besides Rufus? And Callie? A No.
Q Any old folks? A No, nobody living there at all.
Q So far as you know, have all of Sallie's ancestors been full blood Choctaws, and have they always lived here in Mississippi? A Yes.

Sallie Bell, et al., 2.

Q Do you know whether Sallie's name, or the name of either one of these children, are to be found upon any of the Choctaw tribal rolls in Indian Territory? A I don't know.

Q Do you know whether any application of any kind has ever been made for them before today for the purpose of establishing their rights as Choctaw Indians? A I think not.

The records of the Commission show that on the second day of February, 1899, an application was made to the Commission at Philadelphia, Mississippi, for the identification of Harges Bell, his wife, Sallie, and minor children, Callie, Rufus and Namus, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 322; also, upon page 78 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 1138, 1139, 1140, 1141 and 1142, respectively, thereon.

Q When did Harges die, in March last year? A Yes.

Q When did Namus die, December 1900? A Yes.

Q Is that the only application of any kind that has ever been made for these people? A I think so.

Q You have this day appeared before the Commission in behalf of your invalid son, Marris Marris? A Yes.

Q You understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you know whether any of the ancestors of Sallie Bell ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A Never heard if they did.

Q Did you ever hear of any of them ever having gotten any land from the Government? A No.

Q Do you know whether any of them ever appeared before any of the commissioners appointed under the Act of Congress of March 3, 1837, February 22, 1838, or August 23, 1842, and attempted to establish their rights as Choctaws under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, 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 August 23, 1842? A I never heard if they did.

(Special reference is hereby made to the testimony of Dibbin Marris, taken on this date in support of the application of his invalid son, Marris Marris.)

Q Do you know any old person living who would likely know whether any of the ancestors of Sallie Bellever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing

Sallie Bell, et al., 3.

Rabbit Creek, or ever received any benefits under that article? A Ja
Jack Beaks, who lives at Plattsburg.

Q Plattsburg is across Pearl River from here? A Yes.

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

Q Has Sallie any children married? A No.

Q Has she any brothers living? A No.

Q Has she any sisters living? A No.

Q Has she any brothers or sisters dead? A Yes.

Q Did any of them leave children? A No.

(Sallie Bell, for whom this application is made, lives in
the edge of Winston County and across Pearl River from the
camp of the Commission. She has been duly notified of the
presence of the Commission at this place, and signified
her intention of appearing before the Commission, but on
account of the extremely high water, it is impossible for
her to do so.)

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 4th day of April, 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 Meridian, Mississippi,
this 15th day of April, 1902.

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

BY *Massey*

Deputy.

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. March 23, 1903.

5168

Additional Testimony

In the matter of the application of Sallie Bell, et al., for identification as Mississippi Choctaws.

J.G.Ralls, appearing for applicants;
Sallie Bell, the principal applicant, appearing.

Sallie Bell being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Sallie Bell.
Q How old are you? A I reckon sixty.
Q What is your post office address? A Ardmore.
Q How long have you lived at Ardmore? A About a month.
Q Where did you live before you came to Ardmore? A In Mississippi
Q Did you live near Aden, Mississippi? A Yes.
Q What is your father's name? A James.
Q Had he any other name? A No.
Q Did he have a Choctaw name? A I don't know.
Q Is he living? A No sir, he's dead long time.
Q What is your mother's name? A Sallie.
Q Has she any other name? A Don't know.
Q Is she living? A She died long time; her Choctaw name Ho-tee.
Q Was your father full blood? A Yes sir.
Q Was your mother full blood Choctaw? A Yes.
Q Are you married? A No.
Q Is your husband dead? A Yes.
Q What was his name? A Harges Bell.
Q What was his father's name? A Robert Bell.
Q What was his mother's name? A Susie.
Q How much Choctaw blood did Robert Bell have? A One half.
Q How much Choctaw blood did Susie Have? A Don't know.
Q Have you any children? A Yes.
Q What are their names and ages? A Callie, twenty.
Q Is she married? A No.
Q What is the name of your other child? A Rufus.
Q How old is he? A Eighteen.
Q Your husband, Harges, was three fourths Choctaw, was he? A Yes
Q He was the father of these children? A Yes.
Q These children are 7/8 Choctaw blood ten? A Yes.

It appears from the records of the Commission that on April 4, 1902, Dibbin Marris appeared before the Commission at Seale Miss. and made application for Sallie and one child Rufus as Mississippi Choctaws; it further appears from the records of the Commission that on the same date application was made for Callie Bell by Dibbin Marris as 21 years of age.

- Q Do you know the names of your father's parents? A No.
- Q Do you know the names of your mother's parents? A No.
- Q Do you know whether either your father or mother ever received any land from the Government in Mississippi? A No.
- Q Do you know whether any of your Choctaw ancestors appeared before the Indian agent in Mississippi within six months from the ratification of the treaty of 1830 and signified an intention to remain in the old Choctaw Nation, take land there and become citizens of the States? A No.
- Q Do you know whether any of your Choctaw ancestors ever received any land from the Government under that article? A I don't know.
- Q Do you know whether any of your husband's ancestors ever received any land in Mississippi from the Government? A Robert Bell my husband's father got some and sold it.
- Q How much did he get? A About 600 acres.
- Q Do you know where that land was located? A In Nashoba County.
- Q Do you know whether he received that land under article 14 of the treaty of 1830? A Yes, he received it in 1830.
- Q Well, do you know whether he got that land under the provisions of article 14 of the treaty of 1830? A Yes.
- Q Do you know whether your husband's father, Robert Bell, appeared before the Indian agent in Mississippi and told him he wanted to stay there, take land and become citizens of the States? A I don't know.
- Q But you do know that Robert Bell, your husband's father and the grandfather of these children of yours received land there from the Government? A I don't exactly know but I have heard it.
- Q Do you know who lives on that land now? A I don't know who is on it; Wash Bell is the man who sold it.
- Q Wash Bell is the son of Robert Bell and the brother of Harges Bell, your husband? A Yes.
- Q Do you speak the Choctaw language? A Yes.
- Q Is there any other statement you want to make? A No.

You will be allowed thirty days from this date within which to furnish additional evidence in support of this claim.

Applicant has the appearance of being full blood Choctaw; speaks and understands the Choctaw language; has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen; but she states, however, that her husband's father, Robert Bell, the grandfather of her children, obtained land in Mississippi from the Government under article fourteen of the treaty of 1830.

- Q Have you removed from the State of Mississippi to the Choctaw Nation, Indian Territory, for the purpose of making that your permanent home? A Yes.

R.B. Eisenberg being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 23, 1903,

and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

P. R. Cissney

Subscribed and sworn to before me this 13 day of ^{July} ~~June~~, 1908.

Charles H. ...

Notary Public.

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

-oOo-

In the matter of the application for the identification of
Sallie Bell, et al., as Mississippi Choctaws, M.C.R. 5168.

---: 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 4, 1902, by Dibbin Marris for Sallie Bell and her minor
child, Rufus Bell, 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 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 Sallie Bell is a full-blood Mississippi Choctaw
Indian. The minor applicant herein is a mixed-blood Choctaw, and
whatever rights as a Mississippi Choctaw he 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

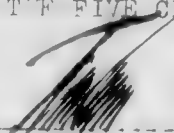
(2)

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 Indian 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 Bell should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

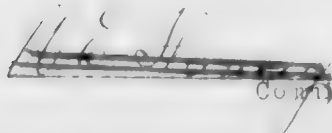


Chairman.



Commissioner.

C. R. Beckwith
Commissioner.



Commissioner.

Muskogee, Indian Territory,

APR 26 1904

Aradere, I. T. February 17, 1903.

To the Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

You will please deliver to J. G. Halls, 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 MARKI

Wendell H. H. H.

J. F. Barnes

Wendell H. H. H.
mark

M C R 5168

Maskogee, Indian Territory, August 15, 1903.

Sellie Bell,
Post Office Box #317,
Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you ask to be advised the status of your claim.

In reply you are informed that it appears from our records that you are an applicant to this Commission for the identification of yourself and minor children as Mississippi Choctaws. Up to the present time the Commission has not rendered any opinion or decision relative to your right to such identification. As soon as a decision is rendered you will be duly notified thereof.

Respectfully,

Commissioner in Charge.

MERIDIAN, MISSISSIPPI, September 30, 1903.

Sallie Bell,

Ardmore, Indian Territory.

Dear Madam:-

It appears from the records of the Commission that on April 4, 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 5 P. M.

Very respectfully,

Special Agent

MERIDIAN, MISSISSIPPI, October 2, 1903.

Callie Bell,

Aden, Mississippi.

Dear Madam:-

It appears from the records of the Commission that on April 4, 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 remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write to 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. 77 M C R 5167

Special Agent.

Meridian, Mississippi, November 27, 1903.

Callie Bell,

Aden, Mississippi.

Dear Madam-

Under date of October 2, 1903, the following letter was written to you:

It appears from the records of the Commission that on April 4, 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 to me at once stating whether or not you desire to give further 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 77.

Special Agent.

M C R 5168

Muskogee, Indian Territory, December 1, 1903.

Callie Bell,
c/o C. H. Victor,
Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st ultimo, in which you state "On the early part of March, 1903, my mother, Sallie Bell, went before the Commission at Muskogee and applied for herself and my brother Luther Bell. Also applied for me. We would be glad to know just how our cases stand."

In reply you are informed that it appears from our records that Sallie Bell made application to this Commission for the identification of herself and two children, Rufus and Callie Bell, as Mississippi Choctaws, but up to the present time no decision has been rendered relative to their rights to such identification. When a decision is rendered, due notice thereof will be given.

Respectfully,

Chairman.

M.C.R.5168

Muskogee, Indian Territory, April 18, 1904.

Rufus Bell,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 12, 1904, in which you ask if a decision has been rendered in your case.

In reply to your letter you are informed that it appears from our records that you are an applicant before this Commission for identification as a Mississippi Choctaw, but up to the present time the Commission has not passed upon your rights to such identification. When a decision is rendered in your case, you will be notified thereof.

Respectfully,

Commissioner in Charge.

M.C.R. 5188.

Muskogee, Indian Territory, April 26, 1904.

Dibbin Marris,

North Bend, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on April 26, 1904, rendered its decision identifying Sallie Bell 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, 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 October 26, 1904, and must make proof of such removal and settlement on or before April 26, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

Chairman.

Registered.

COPY. M. R. 5168.

Muskogee, Indian Territory, April 26, 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 April 26, 1904, identifying Sallie Bell 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 Sallie 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)

Tams Dixie.

Registered.

Chairman.

Enc. MCR 5168.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM. O. BEALL,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5168

ADDRESS ONLY TO:
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 26, 1904.

Sallie Bell,
Aden, Mississippi,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 26, 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 October 26, 1904, and must make proof of such removal and settlement on or before April 26, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,



Chairman.

Registered.

Enc. MCR 5168.

Muskogee, Indian Territory, May 31, 1904.

Rufus Boll,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you ask to be advised the status of your application for identification as a Mississippi Choctaw. You state if the evidence heretofore submitted in support of your application is insufficient, you will furnish further proof, showing that your mother was a full-blood Choctaw.

In reply to your letter you are informed that it appears from our records that you are an applicant to this Commission for identification as a Mississippi Choctaw; that your mother is a full-blood Choctaw, but that your father, Harges Bell, deceased, was only possessed of three-quarters Choctaw blood. No decision has yet been rendered relative to your rights as a Mississippi Choctaw. When the Commission passes upon your case, you will be duly notified of such action as may be taken.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 31, 1904.

Rufus Bell,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you state that you have been informed by Libbin Harris that he received a letter from the Commission notifying him that Sallie Bell has been identified as a Mississippi Choctaw. You ask that the Commission advise you of the age of said applicant and the name of her father and mother; also the names of her children and their ages.

In reply to your letter you are informed that it appears from our records that on April 26, 1904, the Commission rendered a decision identifying Sallie Bell, now about 61 years of age, of Ardmore, Indian Territory, as a Mississippi Choctaw, who, at the time she appeared before this Commission, at Muskogee, Indian Territory, on March 23, 1903, testified that the name of her father was James _____ and that the name of her mother was Sallie Ho-tee.

It further appears that this Sallie Bell is the mother of Callie and Rufus Bell, age 20 and 18 respectively, also applicants to this Commission for identification as Mississippi Choctaws. Up to the present time no opinion or decision has been

M. B., 2.

reached relative to the rights of Callie and Rufus Bell to such
identification.

Respectfully,

Chairman.

Muskogee, Indian Territory, August 26, 1904.

Rufus Bell,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you ask if the claim of Sallie Bell, deceased, can be filed by making proof of death. You further ask to be advised when the Commission will "take up" mixed breed cases.

In reply to your letter you are informed that it appears from our records that on April 26, 1904, the Commission to the Five Civilized Tribes rendered a decision identifying Sallie Bell as a full blood Mississippi Choctaw Indian under the provisions of the 41st section of the Act of Congress approved July 1, 1902 (32 Stats., 641), but it does not appear that any proof of her removal and settlement within the Choctaw-Chickasaw country, Indian Territory, has ever been submitted to this Commission.

Relative 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

R B 2

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."

In accordance with this opinion of the Assistant Attorney General for the Interior Department, you are advised 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, submitting satisfactory proof of such removal and settlement.

The Commission is giving consideration to all Mississippi Choctaw cases as rapidly as practicable, whether they are of the full or mixed blood.

Respectfully,

Chairman.

COPY.

M C R 5168

Muskogee, Indian Territory, September 27, 1904.

Sallie Bell,

Aden, Mississippi.

Dear Madam:

Enclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying you and your child, Rufus Bell, as Mississippi Choctaws.

Under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), in order for the persons so identified to avail themselves of the benefits thereof they must remove to and make settlement with him 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

S B 2

of making proof of your removal to and settlement within the
Choctaw-Chickasaw country, at the earliest practicable date.

Respectfully,

James Bixby.

Registered.

(SIGNED)

Chairman.

Enc. M.C.R. 5168

Muskogee, Indian Territory, October 19, 1904.

Rufus Bell,

Ardmore, Indian Territory.

Dear Sir:

Enclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying you as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), in order for the person so identified to avail himself of the benefits thereof he 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 settlement shall be made to this Commission within one year after the date of the identification of the person herein named, 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 Ateka, 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-

R. B. B.

Chickasaw country at the earliest practicable date.

Respectfully,

Registered.

Encl. M.C.R. 5156

Chairman.

M. C. R.
5168.

COPY:

Muskegee, Indian Territory, October 19, 1904.

Callie Bell,

Ardmore, Indian Territory.

Dear Madam:

Inclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying you as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), in order for the person so identified to avail herself of the benefits thereof she 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 person herein named, 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-

C. B. 2.

Chickasaw country, at the earliest practicable date.

Respectfully,

(SIGNED)

James Bixby

Registered.

Chairman.

Incl. M.O.R. 5158.

For Identification as a Mississippi Choctaw.

Sealed Miss Date

Name Sallie Bell

Age 50 H. free

Post Office, Eden, Miss.

Father, dont know d

Mother " " d

Claims through

husband, Guryes Bell (3/4) d
Father Robert " (1/2) d
mother dont know d

Children.

~~Rufus~~
Rufus Bell 18

Stenographer

R. S. [Signature]

For Identification as a Mississippi Choctaw.

State *Miss.*

Date

Name *Callie Bess*

Age *21* B. *7/8*

Post Office, *Adrian Miss.*

Father *Angelo Bess* d

Mother *Callie* " . L

Claims through

Children

Stenographer

J. A. [Signature]

No. 5168.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name Sallie Bell

Age 60. Blood

Post Office. Ardmore, I T.

Father. James — D.

Mother Sallie (Ho-tee) D.

Claims through

(Additional test)

Children.

5167 Callie (7/8) 20
Rufus (") 18

Stenographer R. B. Eisenberg

U.S. DEPARTMENT OF THE INTERIOR
JUN 9 1904

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 9 1904

[Handwritten signature]

CHAIRMAN

Department of the Interior,

Commission to the Five Civilized Tribes.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

12¹⁰ a

MUSKOGEE

Sally Bell

~~Ardmore~~

J. F.



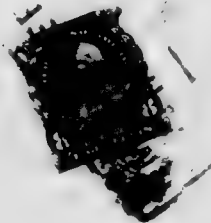
12

7
August 14 1904

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



21
Sallie Bell,

Aden, Mississippi.

3. 1904
Sept. 11

Choctaw MCR 5169

Griffin Amos

See MCR 5037

MCR 5169

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

---:--

In the matter of the application for the identification
of Griffin Amos, et al., as Mississippi Choctaws, M.C.R. 5169.

-:-

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

---:---

In the matter of the application for the identification
of Griffin Amos, et al., as Mississippi Choctaws, M.C.R. 5169.

--:--

	(Page)
Original application of Griffin Amos, et al., before the Dawes Commission for identification as Mississippi Choctaws,-----	1
Decision of the Commission identifying Lillie Amos, as a Mississippi Choctaw,-----	4

-:-

61-1

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, April 4, 1902.

In the matter of the application of Griffin Amos for the identification of himself, his wife, Lillie, and minor child, Louisa, as Mississippi Choctaws, represented by Dibbin Marris.

Dibbin 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 Dibbin Marris.
Q How old are you? A Sixty.
Q What's your post office address? A North Bend, Mississippi.
Q Do you live in Neshoba County? A Yes.
Q How much Choctaw blood have you? A One half.
Q Have you heretofore appeared before the Commission in your own behalf? A Yes, sir.
Q And have today appeared before the Commission in behalf of your invalid son, Marris Marris? A Yes, sir.
Q Are you acquainted with a man by the name of Griffin Amos? A Yes
Q How long have you known him? A All his life.
Q About how old a man is he? A About twenty five.
Q How much Choctaw blood has he? A Seven eighths.
Q What's his post office address? A North Bend.
Q How far does he live from you? A Half a mile.
Q Lived in Mississippi all his life? A Yes.
Q Is his father living? A Dead.
Q What was his name? A Amos.
Q Mother living? A No.
Q What was her name? A Winnie.
Q Is Griffin a full brother of Sweeney Amos? A Yes.
Q Is he married? A Yes.
Q What's his wife's name? A Lillie.
Q Living together now? A Yes.
Q How long have they lived together? A About seven years.
Q Was Griffin married before he married her? A No.
Q Was she married before she married him? A Yes, she was married.
Q How many times? A Once.
Q What was her husband's name? A Wiley.
Q Did she have any children by him? A No.
Q Is Lillie a full blood? A Yes.
Q About how old? A About twenty five.
Q Has she always lived in Mississippi? A Yes.
Q Is her father living? A No.
Q What was his name? A Billy Jack Hon-tubbee.
Q Is her mother living? A No, she's dead long time.
Q What was her name? A I don't know her name.
Q Do you know the name of any one of Lillie's grand parents?
A Don't know.
Q So far as you know, have all of Lillie's ancestors been full blood Choctaws? A Yes.

Griffin Amos, et al., 2.

- Q Always lived in Mississippi? A Yes.
- Q Have Griffin and Lillie any children? A Yes, one.
- Q What's that child's name? A Louisa.
- Q About how old is she? A About four years old.
- Q She is the child of Griffin and Lillie? A Yes.
- Q Have they any children living with them? A No.
- Q Any old folks living with them? A No. Griffin's sister and Bettie Bull, and nephew, Sickness Thomas, live with them.
- Q She has been married has she? A Yes, she was formerly the wife of Pink Bull.
- Q Do you know whether any application of any description has ever been made before today for Griffin or his wife, Lillie, or this child? A No.

By Commission:

As to whether any of the ancestors of Griffin Amos ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, reference is hereby made to the testimony of Dibbin Harris, in support of the application of Sweeney Amos, a full brother of Griffin Amos.

- Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you? A Yes.
- Q Do you know whether any of the ancestors of Lillie ever complied or attempted to comply with its provisions, or ever received any benefits thereunder? A I don't know.
- Q Do you know whether any of them lived here in the old Choctaw Nation, in Mississippi and Alabama, or owned an improvement, at the time the treaty was made, seventy one years ago? A Don't know.
- Q Do you know whether any of them removed to the present Choctaw Nation, in ~~Mississippi~~ 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 Do you know whether 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 Do you know whether any of them ever claimed or received any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Don't know.
- Q Do you know whether any of them appeared before any of the commissioners appointed under the Act of Congress approved March 3, 1837, February 22, 1838, or August 23, 1842, and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Do you know whether any of them ever received any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A I don't know anything about that.
- Q Do you know of any old persons living who would likely know whether any of the ancestors of Lillie 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

Griffin Amos, et al., 3.

or tend to prove such a state of facts? A I don't know.

Q Has Lillie any brothers living? A No.

Q Any brothers dead who left children? A No.

Q Did she ever have any sisters? A No, don't think she did.

Q You have been employed by the Commission to notify Indians living in this vicinity of the presence of the Commission here, have you?

A Yes.

Q Did you ever talk to Griffin and his brother, Sweeney, about coming before the Commission? A Yes, I did.

Q When? A The first day I went out to work for the Commission.

Q The second day after the Commission was here? A Yes.

Q What did they say? A Just said they wouldn't go before the Commission to give in their testimony at all.

Q Both of them said that? A Yes.

(Griffin Amos lives within three miles of the camp of the Commission, and has known for three weeks of the presence of the Commission at this place; he has been urged to appear before the Commission, and has ever been served with a subpoena to do so, but he has positively refused to appear before us. So far as the records of the Commission show, no application of any description has ever been made to the Commission before today for himself, or in behalf of his wife or child.)

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 4th day of April, 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 Meridian, Mississippi,
this 19th day of April, 1902.

R. S. Streit
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.

--:--

In the matter of the application for the identification of Griffin Amos, et al., as Mississippi Choctaws, M.C.R. 5169.

-: 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 4, 1902, by Diffin Marris, for Griffin Amos, his wife, Lillie Amos, and his minor child, Louisa Amos, 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 Lillie Amos is a full-blood Mississippi Choctaw Indian. All the other applicants are mixed blood Choctaws, hence, 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.

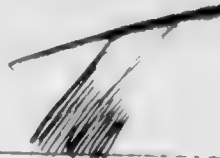
Section forty-one of the Act of Congress, entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1,

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 Lillie Amos, 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

MERIDIAN, MISSISSIPPI, October 6, 1903.

Griffin Amos,

North Bend, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on April 4, 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. 109--MCR 5169

Special Agent.

Meridian, Mississippi, November 30, 1903.

Griffin Amos,

North Bend, 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 April 4, 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 109.

Special Agent.

M.C.R. 5169

Muskogee, Indian Territory, May 20, 1904.

Lillie Amos,

North Bend, 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 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 Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Registered.

Commissioner in Charge.

Incl. MCR 5169.

W.C.R. 5169

COPY.

Muskogee, Indian Territory, May 20, 1904.

Dibbin Harris,

Ardmore, Indian Territory,

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on May 20, 1904, rendered its decision identifying Lillie Amos 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 soidentified to avail herself of the benefits of such identification, she 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 at the office of the Commission at Atoka, Choctaw Nation, or Fishemingo, Chickasaw Nation, Indian Territory, on or before May 20, 1905.

Respectfully,

(SIGNED)

T. D. Woodruff
Commissioner in Charge.

M.C.R. 5169

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 Lillie Amos 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 Lillie Amos 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.

Incl. MCR 5169.

M.C.R. 5169

Muskogee, Indian Territory, September 16, 1904.

Griffin Amos,

Care Dibbin Marris,

North Bend, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of yourself and your minor daughter, Louisa Amos.

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

Respectfully,

(SIGNED)

James G. ...

Chairman.

Registered.

97

COMMISSIONERS:
TAMM BIXBY,
THOMAS S. 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. 5169

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 10, 1905.

Griffin Amos,
Care Dinoin Marris,
North Bend, Mississippi,

Dear Sir:

You are hereby notified that on the 31st day of January, 1905, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of yourself and daughter, Louisa Amos, 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,

Chairman.

For Identification as a Mississippi Choctaw.

Seale ^{Miss.}
Date

Name Griffin - Amos -

Age 25 Blood 3/4

Post Office, North Kings Miss.

Father: Amos d

Mother: Winner d

Claims through

Wife: Lillie Amos, (full) 25

Father: Billy Jack Habittubbe d

Mother: Ann A. d

Children:

Louisa (-) 4

R. S. Street

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

FILED

JUN 28 1904

A handwritten signature in dark ink, appearing to be 'W. H. H. H.', written over the date stamp.

CHAIRMAN

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCHEE, IND. TER.

124
113

MISSISSIPPI
INDIAN TERRITORY

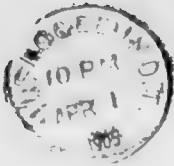
113



RECEIVED
MUSKOCHEE, IND. TER.
1904



RECEIVED
APR - 3 1905
P. M.



Choctaw MCR 5170

Sweeney Amos

See MCR 5037

MCR 5170

(11)

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

-cOo-

In the matter of the application for the identification of
Sweeney Amos, et al., as Mississippi Choctaws.

-cOo-

Herein is the record in the matter of the application for
the identification of Sweeney Amos, et al., as Mississippi
Choctaws, M.C.R. 5170.

-cOo-

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

-oOo-

In the matter of the application for the identification of
Sweeney Amos, et al., as Mississippi Choctaws, M.C.R. 5170.

--: I N D E X :--

	(Page)
Original application of Sweeney Amos, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission identifying Ida Amos as a Mississippi Choctaw-----	5

-oOo-

517°
Ident wife only

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, April 4, 1902.

In the matter of the application of Sweeney Amos for the identification of himself, his wife, Ida, and minor child, Chickamen, as Mississippi Choctaw, represented by Dibbin Marris.

Dibbin 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 Dibbin Marris.
Q How old are you? A Sixty.
Q What's your post office address? A North Bend, Mississippi.
Q Do you live in Neshoba County? A Yes, sir.
Q How much Choctaw blood have you? A One half.
Q You have heretofore appeared before the Commission in your own behalf? A Yes, sir.
Q And you have this day appeared before the Commission in behalf of your invalid son, Marris Marris? A Yes, sir.
Q Are you acquainted with a Choctaw by the name of Sweeney Amos?
A Yes.
Q How long have you known him? A All his life.
Q About how old is he? A About forty.
Q How much Choctaw blood has he? A His mother was three quarters; he is seven eighths.
Q What's his post office address? A North Bend, Mississippi.
Q How far do you live from him? A About a half mile.
Q Has he lived in Neshoba County all his life? A Yes.
Q Is his father living? A Dead, Amos, you know.
Q Is that all the name he ever had? A That's all I know.
Q Did he live in Mississippi all his life? A Yes.
Q Full blood Choctaw? A Yes.
Q Do you know the names of his parents? A Don't know.
Q Is Sweeney's mother living? A Yes, she's dead.
Q What was her name? A Winnie.
Q She was three quarters Choctaw? A Yes.
Q Did she live in Mississippi all her life? A Yes.
Q Do you know the names of her parents? A Yes.
Q What was the name of her father? A Alex Bell; I don't know her mother's name.
Q Was Alex Bell a half blood Choctaw? A Yes.
Q And Winnie's mother was a full blood, was she? A Yes.
Q Do you know the names of any other of the ancestors of Sweeney Amos? A Don't know.
Q Is Sweeney married? A Yes.
Q Wife living? A Yes.
Q What's her name? A Ida.
Q Is she a full blood Choctaw? A Yes.
Q About how old? A About seventeen.
Q Has she lived in Mississippi all her life? A Yes.

Sweeney Amos, et al., 2.

- Q Is her father living? A No.
Q What was his name? A Wilson Wallace.
Q Is her mother living? A Dead.
Q Do you know what her name was? A Don't know.
Q Is Ida a full sister of Bill Wallace, about whom you have testified today? A Yes.
Q Was she ever married before she married Sweeney? A No.
Q Was he ever married before he married her? A Yes, he was.
Q Has he any children living by his first wife? A No.
Q How many times has he been married? A Just once before.
Q How long has he been living with Ida? A About two years.
Q Have they any children? A One.
Q What's his name? A Chickamen.
Q How old is Chickamen? A About a year, or maybe a little better.
Q Boy or girl? A Boy.
Q Have they any other children living with them? A No.
Q Do you know whether any application of any kind has ever been made before today for Sweeney or his wife for the purpose of establishing their rights as Choctaw Indians? A No.
Q Never has been any? A No.
Q Have all of Sweeney's ancestors always lived here in Mississippi, so far as you know? A Yes.

By Commission:

As to compliance on the part of the ancestors of Ida Amos with the 14th article of the treaty of Dancing Rabbit Creek, reference is hereby made to the testimony of Dibbin Marris, given before the Commission today in the matter of the application of Bill Wallace for identification as a Mississippi Choctaw.

- Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you? A Yes.
Q Do you know whether any of the ancestors of Sweeney Amos ever complied or attempted to comply with its provisions, or ever received any benefits under that article? A I don't know.
Q Do you know whether any of them lived here in the old Choctaw Nation, in Mississippi and Alabama, or owned an improvement here at the time the treaty was made, seventy one years ago? A Don't know.
Q Do you know whether any of them removed 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 Do you know whether 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 Do you know whether any of them ever claimed or received any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Don't know.
Q Do you know whether any of them appeared before the Commissioners appointed under the Act of Congress approved March 3, 1837, February

Sweeney Amos, et al., 3.

22, 1825, or August 23, 1842, and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek?

A I don't know.

Q Do you know whether any of them ever received any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A I don't know anything about that.

Q Do you know of any old person living who would likely know whether any of the ancestors of Sweeney 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 of any one.

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

Q Has Sweeney any brothers living? A One, Griffin Amos, and Lampkin Amos.

Q Any more? A That's all.

Q Are they full brothers of his? A Yes.

Q Has he any brothers dead who left children? A No.

Q Has he any sisters living? A Yes, two.

Q What are their names? A One of them is Sallie Frazier, the wife of Wesley Frazier, and another one is Bettie, who was formerly the wife of Pink Bull; they are now separated.

Q With whom does Bettie live? A With Griffin Amos, her brother.

Q Has Sweeney any sisters dead who left children? A Yes, one sister dead and she left children.

Q What was her name? A Don't remember her name.

Q How many children did she leave? A One.

Q Is the child living now? A Yes.

Q What's it's name? A Sickness.

Q Is his father living? A Yes.

Q What's its father's name? A Hickman Thomas.

Q With whom does the child live? A Bettie Bull. Nancy is the mother of this boy.

Q She was a full sister of Sweeney was she? A Yes.

Q About how old is Sickness? A Seven or eight years.

Q Boy or girl? A Boy.

Q Where does Hickman Thomas live? A Near Philadelphia.

Q Are any of Sweeney's father's brothers or sisters living? A Don't know.

Q Any of Sweeney's mother's brothers or sisters or any of their children living? A Yes, Sweeney's mother's brothers living.

Q What's his name? A Scott Bell.

Q Is that all? A Yes.

Q Are any of the children of any of Sweeney's father's brothers or sisters living? A No.

(From the testimony of Dibbin Marris, and other information received by the Commission, there can be no doubt that Sweeney Amos is at least a seven-eighths blood Choctaw; that his wife, Ida, is a full blood, and that they have one child living named Chickamon. This man lives within three miles of the camp of the Commission, and has known for over three weeks of the presence of the Commission at this place. He has been urged to appear before the Commission, and has been served with a subpoena to appear before the Commission

Swamy Amos, et al., 5.

but positively refuse to do so. So far as the records of the Commission show no indication of any description had been made for him or his wife before today.)

H. 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 Osage, Mississippi, on the fourth day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings as held upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 18th day of April, 1902.

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

By

M. M. M.

Deputy.

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

-oOo-

In the matter of the application for the identification of Sweeney Amos, et al., as Mississippi Choctaws, M.C.R. 5170.

---: 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 4, 1902, by Dibbin Marris, for Sweeney Amos, his wife, Ida Amos, and his minor child, Chickamon Amos, 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 Ida Amos is a full-blood Mississippi Choctaw Indian. The other applicants are mixed blood Choctaws, and as 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 Choc-

(2)

taws will be determined at a later date.

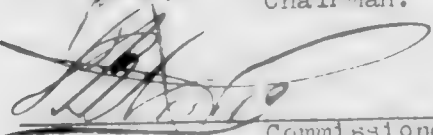
Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes?" approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"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 Ida Amos 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.

MERIDIAN, MISSISSIPPI, October 8, 1903.

Sweeney Amos,

North Bend, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on April 4, 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. 102--M C R 5170

Special Agent.

Meridian, Mississippi, November 30, 1903.

Wesley Amos,

North Bend, 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 April 4, 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,

File 103.

Special Agent.

M.C.R. 5170

Muskogee, Indian Territory, May 5, 1904.

Ida Amos,

North Bend, Mississippi,

Dear Madam:

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

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5th, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Commissioner in Charge.

Registered.

Enc. MCR 5170.

M.C.R. 5170
COPY.

Muskogee, Indian Territory, May 5, 1904.

Dibbin Marris,
North Bend, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 5, 1904, rendered its decision identifying Ida Amos 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 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Commissioner in Charge.

COPY.

M.C.R. 5170

Muskogee, Indian Territory, May 5, 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 5, 1904, identifying Ida Amos 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 Ida Amos 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,

(SIGNATURE)

T. B. Needles.

Commissioner in Charge.

Registered.
Enc. MCR 5170.

M.C.R. 5170.

Muskogee, Indian Territory, September 16, 1904.

Sweeney Amon,

Care Dibbin Marris,

North Bend, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of yourself and your minor son, Chickamon Amon.

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)

John S. Gandy
Chairman.

Registered.

M.C.R. 5170

COPY.

Muskegee, Indian Territory, February 10, 1905.

Sweeney Amos,
Care Dibbin Marris,
North Bend, Mississippi,

Dear Sir:

You are hereby notified that on the 31st day of January, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification of yourself and son, Chickamon Amos, as Mississippi Choctaws, included in the consolidated case of Scott Bell et al., of which decision you were advised by registered mail on the 16th day of September 1904.

Respectfully,

(SIGNED).

James H. ...
Chairman.

No. 5170

For Identification as a Mississippi Choctaw.

Seale Miss.
Date

APR 4 1902

Name Sweeney Amos
by Debbie of Amos
Age 40 Blood 7/8

Post Office, North Bend, Miss.

Father: Amos d

Mother: Wannie " d

Claims through

wife Idar Amos (full) 17

Father Wilson Wallace d

Mother - don't know - d

Children:

Chickamon Amos (M) 1

Stenographer

R. S. Street

NEWTON MASS.
REC'D.
FEB 13
5PM
1905

FILED
APR -3 1905

INDY.
PM
1905

PHILADELPHIA, MISS.
MAR 5
5PM
1905
REC'D.

NEWTON MASS.
REC'D.
APR 3
1905



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FINE CHECKED PAPERS
FILED
MAY 27 1904

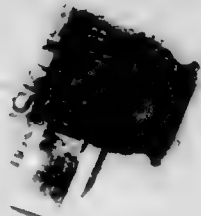


COMMUN

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Ida **RETURNED** Mississippi.
N. W. **WRITER!**

MUSKOGEE, IND. TER.
MAY 26 1904

Care Lucy Ann Amos.

MAY 26 1904

Choctaw MCR 5171

Bettie Bull

See MCR 5037, 5156

MCR 5171

5771

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, April 4th, 1902.

In the matter of the application of Bettie Bull for the identification of herself and minor ward, Sickness Thomas, as Mississippi Choctaws, represented by DibbinMarris.

Dibbin 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 Dibbin Marris.
Q How old are you? A Sixty.
Q What's your post office address? A North Bend, Mississippi.
Q Do you live in Neshoba County? A Yes.
Q How much Choctaw blood have you? A One half.
Q You have heretofore appeared before the Commission in your own behalf? A Yes, sir.
Q And have this day appeared before the Commission in behalf of your invalid son, Marris Marris? A Yes, sir.
Q Are you acquainted with a woman by the name of Bettie Bull? A Yes.
Q How long have you known her? A All her life.
Q How far does she live from you? A Half a mile.
Q About how old is she? A About twenty.
Q How much Choctaw blood has she? A Seven eighths.
Q Has she lived in Neshoba County all her life? A Yes.
Q Is her father living? A Dead.
Q What was his name? A Amos.
Q Is her mother living? A Dead.
Q What was her name? A Winnie.
Q Is Bettie a full sister of Sweeney Amos, about whom you have testified before the Commission today? A Yes.
Q Is she married? A Yes, she was married.
Q How many times? A One time.
Q Is her husband living? A Yes.
Q What's his name? A Pink Bull.
Q Is Pink a full blood Choctaw? A Yes.
Q Live in Kemper County? A Yes.
Q Has Bettie any children by him? A No.
Q Has she any living children? A Her sister's child is there. None of her own.
Q What's the name of this child of her sister that is living with her? A Sickness Thomas.
Q A boy? A Yes.
Q About how old? A About seven years old.
Q Is his father living? A Yes.
Q What's his name? A Hickman Thomas.
Q Is he a full blood Choctaw? A Yes.
Q Where does he live? A Below Philadelphia.
Q What's the name of his father? A Long Thomas.

Bettie Bull, et al., 2.

- Q What was the name of Sickiness' mother? A Nancy.
Q Was she a full sister of Bettie? A Yes.
Q How long has she been dead? A About six years.
Q Has this child lived with Bettie ever since its mother died?
A Yes.
Q Has Bettie any other children living with her? A No.
Q Any old folks? A No, she lives with Griffin Amos, her brother.
Q This child never has lived with its father since the death of its mother? A No.
Q Do you know whether any application of any description has ever been made before today for either Bettie, or her minor nephew, for the purpose of establishing their rights as Choctaw Indians? A No.
Q Did you ever talk to her about coming before the Commission?
A Yes.
Q What did she say? A Just refused to come before Commission.
Q You were employed by the Commission to notify Indians to come before us, were you not, during the latter part of last March?
A Yes.

By Commission:

As to a compliance on the part of the ancestors of Bettie Bull, with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, reference is hereby made to the testimony of Dibbin Marris, given on this date in support of the application of Sweeney Amos for identification as a Mississippi Choctaw.

- Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you? A Yes.
Q Do you know whether any of the ancestors of Sickiness Thomas ever complied or attempted to comply with the provisions of that article, or ever received any benefits under that article? A I don't know.
Q Do you know whether any of them lived here in the old Choctaw Nation, in Mississippi and Alabama, or owned an improvement here at the time the treaty was made, seventy one years ago? A Don't know.
Q Do you know whether any of them removed 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 Do you know whether 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 Do you know whether any of them ever claimed or received any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Don't know.
Q Do you know whether any of them appeared before the Commissioners appointed under the Act of Congress approved March 3, 1837, February 22, 1838, or August 23, 1842, and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek?
A I don't know.
Q Do you know whether any of them ever received any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A I don't know anything about that.

Bettie Bull, et al., 3.

Q Do you know of any old persons living who would likely know whether any of the ancestors of Sickiness Thomas 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.

(Bettie Bull, for whom this application is made, lives within three miles of the camp of the Commission, and has known for three weeks of our presence at this place. Every possible effort has been made to induce her and her brothers, Griffin and Sweeney Amos, to appear before us, but without success; they have even been served with subpoenas to appear before the Commission, but failed to heed them.)

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 fourth day of April, 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 Meridian, Mississippi, this 19th day of April, 1902.

L. D. Marley
Clerk U. S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

Muskogee, Indian Territory, September 16, 1904.

Bettie Bull,

Care Dibbin Marris,

North Bend, Mississippi.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of yourself and your minor nephew, Sickness Thomas.

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

Respectfully,

Signature

Tame Bixby.

Chairman.

Registered.

COMMISSIONERS.
TAMM SIXBY,
THOMAS E. NEEDLES,
C. E. BRACKENRIDGE.
—
WM. O. BEALL,
Secretary.

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

90
HERE IS REPLY TO THE FOLLOWING:

M.C.R. 5171

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 10, 1905.

Bettie Bull,
Care Dibbin Marris,
North Bend, Mississippi,

Dear Madam:

You are hereby notified that on the 31st day of January, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification of yourself and nephew, Sickiness Thomas, as Mississippi Choctaws, included in the consolidated case of Scott Bell et al., of which decision you were advised by registered mail on the 16th day of September, 1904.

Respectfully,


Chairman.

#1925

No. 5171

For Identification as a Mississippi Check

Seal ^{Miss.}
Date

Name Bettie Bell

Age 20 Blood 7/8

Post Office, North Bend, Miss.

Father: Uma d

Mother: Winnie " d

Claims through

husband Pink Bell L
Separated from Bettie.

Children:

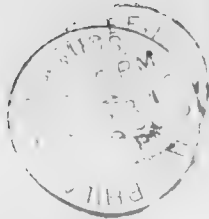
Sickness Thomas (M) 7
Father Hickman " (full) 75
Mother Nancy " " d

Nancy's full sister of Bettie.

R. A. Street



FILED
APR - 3 1905
COMMERCIAL



Choctaw MCR 5172

John Capers

MCR 5172

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

-c0c-

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

-c0c-

Herein is the record in the matter of the application for
the identification of John Capers as a Mississippi Choctaw.

M.C.R. 5172.

-c0c-

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

-oOo-

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

M.C.R. 5172

-oOo-

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

	(Page)
Original application of John Capers to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Decision of the Commission identifying John Capers as a Mississippi Choctaw-----	4

-oOo-

5772

Ident of

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, April 4th, 1902.

In the matter of the application of John Capers, for
identification as a Mississippi Choctaw, represented by Dibbin
Marris.

Dibbin 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 Dibbin Marris.
- Q How old are you? A Sixty.
- Q What's your post office address? A North Bend, Mississippi.
- Q Do you live in Neshoba County? A Yes.
- Q How much Choctaw blood have you? A One half.
- Q You have heretofore appeared before the Commission in your own behalf? A Yes, sir.
- Q And have thisday appeared before the Commission in behalf of your invalid son, Marris Marris? A Yes, sir.
- Q Are you acquainted with a man by the name of John Capers? A Yes.
- Q How long have you known him? A All my life.
- Q About how old a man is he, Dibbin? A Fifty seven.
- Q How far do you live from him? A Quarter of a mile.
- Q Is he a full blood Choctaw? A Yes.
- Q Lived in Neshoba County all his life? A Yes.
- Q What's his post office address? A North Bend, Mississippi.
- Q Is his father living? A Dead long time.
- Q What was his name? A Sho-mah-tubbee John.
- Q About how old would he be if he were living now? A He would be about one hundred years old.
- Q Full blood Choctaw? A Yes.
- Q Lived here in Mississippi all his life? A Yes.
- Q Do you know the names of his parents? A I don't know.
- Q Is John Caper's mother living? A Dead long time.
- Q What was her name? A I don't remember her name; I was small boy when she died.
- Q Was she a full blood Choctaw? A Yes.
- Q Live here in Mississippi all her life? A Yes.
- Q Do you know the names of her parents? A No.
- Q So far as you know, have all of the ancestors of John Capers been full blood Choctaws? A Yes.
- Q Always lived here in Mississippi, have they? A Yes.
- Q Has Capers any children living? A No.
- Q Ever been married? A No.
- Q Has he any one living with him at all? A No, just lives by himself.
- Q Has any application of any kind ever been made by him for the purpose of establishing his rights as a Choctaw Indian? A I don't think he ever has.
- Q You understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes.

John Capers, et al., 2.

Q Do you know whether any of the ancestors of John Capers ever complied or attempted to comply with its provisions, or ever received any benefits under that article? A I don't know.

Q Do you know whether any of them lived here in the old Choctaw Nation, in Mississippi and Alabama, or owned an improvement here, at the time the treaty was made, seventy one years ago? A Don't know.

Q Do you know whether any of them removed 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 Do you know whether 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 Do you know whether any of them ever claimed or received any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Don't know.

Q Do you know whether any of them appeared before any of the commissioners appointed under the Act of Congress approved March 3, 1837, February 22, 1838, or August 23, 1842, and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

Q Do you know whether any of them ever received any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A I don't know anything about that.

Q Do you know of any old persons living who would likely know whether any of the ancestors of this man 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 Don't know of any one.

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

Q Has Capers any brothers living? A Yes, one that I know if living.

Q What's his name? A Tom Kate.

Q Does he live near you? A Three quarters of a mile.

Q Capers ever have any other brothers that you know of? A No other brother living; one other sister; she's been dead long time.

Q What was her name? A Lucy.

Q She leave any children? A No.

Q Did Capers' father ever have any brothers or sisters to your knowledge? A I don't know.

Q Did his mother ever have any brothers or sisters? A Yes.

Q His mother's brother was Amos, the father of Sweeney and Griffin Amos? A Yes.

Q Did she ever have any other brothers or sisters? A No.

Q You have recently been employed by the Commission to notify Choctaws in this vicinity to appear before us, have you not? A Yes.

Q Did you see this man Capers about coming before the Commission?

A Yes, I did.

Q How long ago has that been? A About the 13th of last month.

Q What did he say about coming before the Commission? A Said I just wouldn't go before Commission.

John Capers, 3.

(John Capers lives within three miles of the camp of the Commission, and has known for three weeks of the presence of the Commission at this place; he has been urged to appear before the Commission, and has even been served with a subpoena to do so, but he has positively refused to appear before us. So far as the records of the Commission disclose, no application of any description has ever been made to the Commission before today for him.)

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 fourth day of April, 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 Meridian, Mississippi, this 19th day of April, 1902.

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.

-oOo-

In the matter of the application for the identification of
John Capers as a Mississippi Choctaw, M.C.R. 5172.

---: 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 April 4, 1902, by Dibbin Marris, for John Capers under the fol-
lowing 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 John Capers 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)

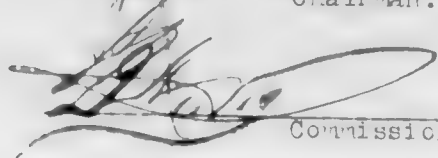
tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:


"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 Capers 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,

200

MERIDIAN, MISSISSIPPI, September 28th, 1903.

John Capers,

North Bend, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on April 4th, 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 No. 5
M C R 6172

Meridian, Mississippi, November 24, 1903.

John Capers,

North Bend, Mississippi.

Dear Sir-

Under date of September 28, 1903, the following letter was written to you:

It appears from the records of the Commission that on April 4th, 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 your earliest convenience.

Very respectfully,

M.C.R. 5172

Muskogee, Indian Territory, May 5, 1904.

John Capers,
North Bend, 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 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 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Registered.

Commissioner in Charge.

Enc. MCR 5172.

M.C.R. 5172

COPY.

Muskogee, Indian Territory, May 5, 1904.

Dibbin Harris,

North Bend, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 5, 1904, rendered its decision identifying John Capers 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 himself of the benefits of such identification, the person so identified 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)

S. Hoedler

Commissioner in Charge.

M.C.R. 5172

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 John Capers 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 notified that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of this Commission in identifying said John Capers 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.

Enc. MCR 5172.

For Identification as a Mississippi Choctaw.

Scale Miss.

Date

Name John Capers

Age 57 Blood

Post Office, North Bend, Miss.

Father: Sho-mah-tubbee John d

Mother: don't know - d

Claims through

Children:

Stenographer

R. J. Streit

Choctaw MCR 5173

Tom Kate

MCR 5173

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

-oOo-

In the matter of the application for the identification of
Tom Kate, et al., as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application for
the Identification of Tom Kate, et al., as Mississippi
Choctaws, M.C.R. 5173.

-oOo-

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

-oOo-

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

--: I N D E X :--

	(Page)
Original application of Tom Kate, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission identifying Tom Kate as a Mississippi Choctaw-----	6

-oOo-

5173

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, April 4th, 1902.

In the matter of the application of Tom Kate for the identification of himself, his wife, Lucy, step-child, Raymond Cotton, and minor ward, Nat Thompson, as Mississippi Choctaws, represented by Dibbin Marris.

Dibbin 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 Dibbin Marris.
Q How old are you? A Sixty.
Q What's your post office address? A North Bend, Mississippi.
Q Do you live in Neshoba County? A Yes.
Q How much Choctaw blood have you? A One half.
Q You have heretofore appeared before the Commission in your own behalf? A Yes, sir.
Q And have this day appeared before the Commission in behalf of your invalid son, Marris Marris? A Yes, sir.
Q Are you acquainted with a man by the name of Tom Kate? A Yes.
Q How long have you known him, Dibbin? A All my life.
Q Been raised over there together, have you? A Yes.
Q How far do you live from him? A About three quarters of a mile.
Q About how old is he, Dibbin? A About forty five.
Q How much Choctaw blood has he? A Full.
Q What's his post office address? A North Bend, Mississippi.
Q Has he lived in Neshoba County all his life? A Yes, sir.
Q Is his father living? A Dead.
Q What was his name? A Sho-mah-tubbee John.
Q Is his mother living? A No, dead.
Q What was her name? A I don't know.
Q Do you know the names of any of the grand parents of Tom Kate?
A No.
Q Is Tom married? A Yes.
Q Wife living? A Yes.
Q They living together? A Yes.
Q What's her name? A Lucy.
Q How much Choctaw blood has she? A Seven-eighths.
Q How old is Lucy? A About forty.
Q Did she live in Mississippi all her life? A Yes.
Q Was Tom ever married before he married her? A Once.
Q Did he ever have any children by his first wife? A He has one daughter living by his first wife, who is married.
Q What's the name of her husband? A Clem Noah; her name is Fannie.
Q Is that all the children he ever had by his first wife? A Yes.
Q Was Lucy ever married before she married Tom? A Yes.
Q How many times? A Once.
Q What was her first husband's name? A Cotton.
Q Was he a full blood Choctaw? A Yes.

Tom Kate, et al., 2.

- Q Has she any children by him living? A Two boys and two girls; the boys' names are Bill Cotton and Raymond Cotton - Fannie Reese, the wife of John Reese, and Ialie Ben, the wife of Johnson Ben.
- Q Is Bill married? A Yes, he was married to Sudie Elis, the daughter of Allen Elis, but they are not separated; she has two children living by Bill Cotton; their names are Limmie and Isman.
- Q Is Raymond married? A No.
- Q Ever been married? A No.
- Q Does he live at home with his mother? A Yes.
- Q About how old is he? A About eighteen.
- Q His father's name was Botton? A Yes.
- Q Do you know the names of Cotton's father and mother? A No.
- Q Did Cotton always live in Mississippi? A Yes.
- Q His ancestors always lived here in Mississippi? A Yes.
- Q All full blood Choctaws? A Yes.
- Q Have Tom and Lucy any other children living with them? A One of Lucy's grand children, Nat Thompson, lives with them.
- Q About how old is Nat? A About seven.
- Q Is Nat's father living? A Yes.
- Q What's his name? A Isom Thompson.
- Q Is Nat's mother living? A Yes, she is now the wife of Johnson Ben; her name is Ialie.
- Q How much Choctaw blood has Isom Thompson? A Three quarters.
- Q Do you know the names of Isom's father and mother? A No.
- Q Do you know the names of any of his grand parents? A Don't know.
- Q So far as you know, have all of his ancestors always lived here in Mississippi? A Yes.
- Q Is Lucy's father dead? A Yes.
- Q What was his name? A I don't know.
- Q How much Choctaw blood did he have? A Full blood.
- Q Lived here in Mississippi all his life? A Yes.
- Q Do you know the names of his parents? A Know his father.
- Q What was his name? A Used to call him Joe.
- Q Is Lucy's mother living? A No; dead long time.
- Q What was her name? A Sabelia.
- Q Did she have any other name? A No.
- Q She was three quarters Choctaw, was she? A Yes.
- Q Lived in Mississippi all her life? A Yes.
- Q Do you know the names of her parents? A No.
- Q Or her grand parents? A No.
- Q Did Joe have any other name? A I don't know; I used to see him and hear them call him Joe.
- Q Full blood? A Yes.
- Q Lived here in Mississippi all his life? A Yes.
- Q Have Tom and Lucy any other children living with them besides Raymond and Nat? A No.
- Q Any old folks? A No.
- Q Do you know whether any application of any description has ever been made in behalf of any of these persons for the purpose of establishing their rights as Choctaw Indians? A No, I don't think they have.
- Q You have been employed by the Commission to notify Indians living in this vicinity to appear before us have you? A Yes.
- Q Did you call on Tom Kate, and take the matter up with him? A Yes.
- Q How long ago? A About the 13th of March.
- Q What did he say about the matter? A Said I just won't go before the Commission, and just wouldn't have nothing to do with it, and

Tom Kate, et al., 3.

don't want any one else to talk about it to me.

Q You understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you know whether any of the ancestors of Tom Kate, or his wife, Lucy, or of Cotton or Isom Thompson, 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.

Q Do you know whether any of them lived 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 Owned an improvement here at that time? A I don't know.

Q Whether any of them removed 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 Whether any of them, within six months after this 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 Do you know whether any of them ever got 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, don't know anything about it.

Q Did you ever hear of any of the ancestors of these persons having gotten any land from the Government? A I don't know, but I have heard, I think, that Tom Kate's uncle got some land that he is living on.

Q What was the name of that uncle? A No-wah.

Q How much of that land did he get from the Government? A Whole section - mile square.

Q Do you know when he got that land Dibbin? A I don't know.

Q How old would No-wah be if he were living now? A About a hundred years old.

Q Did he ever have any children? A Yes.

Q Do you know their names? A Tom No-wah, who lives here in Neshoba County, is one of his children.

Q Did he ever have any other children? A Clem No-wah.

Q You mean to say that their father, if he were living, would be one hundred years old? A Yes.

Q Did he ever have any children older than these boys? A I have heard that he had a brother older than these boys, but I never did see it.

Q Do you know what that brother's name was? A Jim No-wah.

Q Did he have a Choctaw name? A Not that I know of.

Q Do you know the names of No-wah's parents? A No.

Q Did he ever have any daughters that you know of? A Never heard that he had daughters, but I don't know.

Q Do you know whether this land that this man No-wah - Tom Kate's uncle, got from the Government was received under this 14th article or not? A I don't know.

Q Do you know the numbers of the land? A No.

Q It is situated in the extreme eastern part of Neshoba County, and near the northern line too? A I think so.

Q Did you ever see the deed to that land? A No.

Q You have always understood that that land was received by Tom Kate's uncle, No-wah, from the Government of the United States, a long time before you were born? A Yes, that's what I always understood.

Tom Kate, et al., 4.

- Q It's been in the family ever since, has it? A Yes, sir.
- Q Was Ho-wah, Tom Kate's father's brother? A No, Tom Kate's mother's brother.
- Q You can't remember Tom's mother's name? A Lah-pah-te-mah.
- Q You don't know the names of any of Tom Kate's ancestors except th those you have given us, do you? A No.
- Q Did you ever hear of any of the ancestors of Tom Kate, or his wife, Lucy, or of Cotton or of Ison Thompson, appearing before any of the commissioners appointed under the Act of Congress approved March 3, 1837, February 22, 1838, or August 23, 1842, and attempting to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? 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.
- Q Do you know of any old person living who would likely know whether any of the ancestors of these persons 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.
- 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 Has Tom any brothers living? A Yes.
- Q How many? A One, John Capers.
- Q Has Lucy any brothers living? A Yes, one half brother, Moseley Marris.
- Q Has she any full brothers living? A No.
- Q Has she any full sisters living? A No.
- Q Any half sisters? A Yes.
- Q How many? A One, Bettie Sockey, wife of John Sockey.
- Q Are any of Cotton's brothers or sisters, or any of their children living? A No.

(Tom Kate, for whom this application is made, lives within three miles of the camp of the Commission, and has known for three weeks of our presence at this place. Every possible effort has been made to induce him to appear before the Commission, but without success. He has even been served with a subpoena to appear before the Commission, but did not heed same. There can be no doubt from the testimony of DibbinMarris, who bears the reputation of being a thoroughly reliable Indian, that Tom Kate is a full blood Choctaw, and that his wife, Lucy, is a seven eighths Choctaw Indian; that they have living with them Raymond Cotton, son of Lucy, by a former husband, and Nat Thompson, the son of Ialie Ben, who is the daughter of Lucy Kate.)

R. E. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported infull all proceedings had in the above entitled cause on the fourth day of April, 1902, at Seale, Mississippi, and that

Tom Kate, et al., vs.

the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Street

Subscribed and sworn to before me at Meridian, Mississippi,
this 19th day of April, 1902.

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

By

[Signature]

Deputy.

COPY.

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

-eOo-

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

---: 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 Tom Kate for himself, his wife, Lucy Kate, his minor step-child, Raymond Cotton, and his minor ward, Nat Thompson, 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 the principal applicant, Tom Kate, who is a full-blood Mississippi Choctaw Indian, was, on May 20, 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 all the other applicants are mixed-blood Choctaws, and as such do not come within the purview of said section.

It also appears that the wife of the principal applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Joe, who is alleged to have been a full-blood Choctaw Indian, and Sabelia, who is alleged to have been a three-quarter blood Choctaw Indian; that the minor step-child herein claims said rights by reason of being a descendant of the above named ancestors and Cotton, who is alleged to have been a full-blood Choctaw Indian; and that the minor ward claims said rights by reason of being a descendant of Isom Thompson, a three-quarter blood Choctaw Indian, and Ialie Thompson, who is alleged to have been a Choctaw Indian, degree of blood not stated.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), 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 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 Joe, or Sabelia, or Cotton, or Ison Thompson, or Ialie 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 Lucy Kate, Raymond Cotton and Nat Thompson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

James H. ...

Chairman.

SIGNED:

...

Commissioner.

SIGNED:

C. F. Brockbridge.

Commissioner.

Muskogee, Indian Territory,

SEP 13 1904

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

-oOo-

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

---: 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 4, 1902, by Dibbin Marris, for Tom Kate, his wife, Lucy Kate, his step-child, Raymond Cotton, and his minor ward, Nat Thompson, 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 Tom Kate 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 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 Tom Kate should be identified as a Mississippi Choctaw, and it is so ordered.

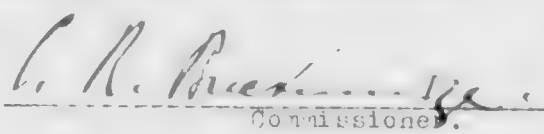
COMMISSION TO THE ~~THE~~ CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

MAY 20 1904

Commissioner.

Meridian , Mississippi, September 28th 1903

Tom Kate

North Bend, Mississippi

Dear Sir:-It appears from the records of the Commission that on April 4th, 1902, application was made for the identification of you self 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 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

Special Agent

File 45
M C R 5173

Meridian, Mississippi, November 24, 1903.

Tom Kate,

North Bend, Mississippi.

Dear Sir-

Under date of September 28, 1903, the following letter was written to you:

It appears from the records of the Commission that on April 4th, 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 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 45

Special Agent.

M.C.R. 5173.

Muskogee, Indian Territory, May 20, 1904.

Tom Kate,

North Bend, 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., 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 Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

C. C. Winters

Commissioner in Charge.

Registered.

Incl. MCR 5173.

Muskogee, Indian Territory, May 20, 1904.

Dibbin Harris,

Arbore, Indian Territory,

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on May 20, 1904, rendered its decision identifying Tom Kate 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)

Commissioner in Charge.

W.C.R. 5173

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 Tom Kate 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 Tom Kate 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)

J. H. Woodson

Commissioner in Charge.

Registered.

Incl. MCR 5173.

COPY.

Muskogee, Indian Territory, September 13, 1904.

Lucy Kate,

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 the application for identification as Mississippi Choctaws of yourself, your child, Raymond Cotton and your grandchild, Nat Thompson.

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)

Tams Bixby.

Chairman.

Registered.

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 decision of this Commission, rendered September 13, 1904, refusing the application for identification as Mississippi Choctaws of Lucy Kate, Raymond Cotton and Nat Thompson.

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)

Tams Bixby.

Chairman.

Incl. MCR 5173.

M C R 5173

Muskogee, Indian Territory, October 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Tom Kate, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of September 13, 1904, refusing the applications of Lucy Kate, Raymond Cotton and Est Thompson, applicants in said case.

The Commission has the honor to report that the 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.

You are further advised that Tom Kate, the principal applicant in M C R 5173, was identified by this Commission as a full-blood Mississippi Choctaw on May 20, 1904, his name appearing upon a schedule opposite number 2241 of duly identified Mississippi Choctaws approved by the Secretary of the Interior on July 2, 1904.

Respectfully,

Through the

Chairman.

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Land

69,765-1904.

Washington, Oct. 27, 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 application for identification as Mississippi Choctaws by Tom Kate for himself, his wife Lucy Kate, his minor step-child, Raymond Cotton, and his minor ward, Nat Thompson.

May 20, 1904, the Commission duly identified the principal applicant, Tom Kate, as a Mississippi Choctaw of the full blood.

September 13, 1904, the Commission decided adversely to all the other applicants.

The record shows that the wife of Tom Kate claims rights in the Choctaw lands under Article 14 of the treaty of Dancing Rabbit Creek by reason of being a descendant of Joe, who is alleged to have been a full-blood Choctaw Indian, and Sabelia, who is alleged to have been a three-quarter blood Indian; that the minor step-child claims said rights by reason of being a descendant of the above named ancestors and Cotton, who is alleged to have been a full-blood Choctaw Indian; and that the minor ward claims said rights by reason of being a descendant of

Ison Thompson, a three-quarter blood Choctaw Indian, and Ialie Thompson, who is alleged to have been a Choctaw Indian, degree of blood no shown. It is further shown by the record and by the records of this office that none of the applicants have ever been 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 testimony in 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 heretofore were claimants thereunder that Joe, Sabelia, Cotton, Ison Thompson, Ialie 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 thereunder by reason of subsequent legislation.

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

Very respectfully,

A. J. Tonner,

Acting Commissioner.

(M.M.V.) P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

HAF.

D.C. 41960-1904.

October 29, 1904.

I.T.D.10982-1904.

LRS

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

Gentlemen:

October 1, 1904, you transmitted the record in the matter of the application for identification of Tom Kate, Lucy Kate, Raymond Cotton and Nat Thompson, as Mississippi Choctaw Indians, together with your decision of September 13, 1904, denying the application as to Lucy Kate, Raymond Cotton and Nat Thompson.

It appears from said decision that the Commission on May 20, 1904, identified Tom Kate, a full blood Mississippi Choctaw Indian, under the provisions of section 42 of the Act of July 1, 1902 (32 Stat., 641).

Reporting October 27, the Acting Commissioner recommends approval of your decision. A copy of his letter is inclosed herewith.

Concurring in his recommendation, your decision is hereby affirmed.

Respectfully,

H.A.Hitchcock

Secretary.

1 inclosure.

COPY.

M.C.R. 5173

Muskogee, Indian Territory, November 10, 1904.

Lucy Kate,

North Bend, Mississippi,

Dear Madam:

You are hereby notified that on the 29th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of yourself, your child, Raymond Cotton and grandchild, Nat Thompson, included in the case of Tom Kate et al., of which decision you were advised by registered mail on the 13th day of September, 1904.

Respectfully,

(SIGNED)

Tame Bixby

Chairman.

COPY.

Muskogee, Indian Territory, November 10, 1904.

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

Gentlemen:

You are hereby notified that on the 29th day of October, 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 Tom Kate et al., a copy of which decision was mailed you on the 13th day of September, 1904.

Respectfully,

(SIGNED)

Iams Dixby

Chairman.

For Identification as a Mississippi Choctaw.

Siale Miss. Date

APR 1 1902

Name Tom Siale

Age 45 Blood

Post Office, Vicksburg

Father: Sho-man

Mother

Claims through

wife Lucy Siale (178) 40

Father - last name

Mother Sabie

Children:

(Raymond) Cotton 18
Father

Nat Thompson
Father Sam Thompson (3/4) 7.2
Mother Julie

Stenographer

R. L. Allen

Choctaw MCR 5174

William Billey

MCR 5174

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of William Billey, et
al., for identification as Mississippi Choctaws, M.C.R. 5174.

-----o-----

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of William Billey, et al., for identification as Mississippi Choctaws, M.C.R. 5174.

--- I N D E X ---

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

-----0-----

5774

Department of the Interior,
Commission to the Five Civilized Tribes,
Holy Cross, Mississippi, April 2, 1902.

In the matter of the application of William Billey for the identification of himself, his wife, Fannie, and four minor children, Oma, Wilson, Katie and Enoch, as Mississippi Choctaws.

William Billey, 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 William Billey.
- Q How old are you? A About thirty eight.
- Q Are you a full blood Choctaw? A Yes, sir.
- Q What's your post office address? A Holy Cross.
- Q Do you live in Neshoba County? A Yes, sir.
- Q How long have you lived here? A Ever since I was born.
- Q Is your father living? A No, sir.
- Q What's his name? A Tom Billey.
- Q Did he have a Choctaw name? A yes, sir.
- Q What was it? A Ho-tah-lubbee.
- Q Was he a full blood Choctaw? A yes, sir.
- Q Lived here in Mississippi all his life? A Yes, sir, he was born in Neshoba County.
- Q About how old would he be if he were living now? A I think about sixty or seventy years old.
- Q Do you know the name of his father? A yes, sir.
- Q What was his name? A Got two names, Old Eleven Billey, and Choctaw name, Tho-po-tabbee.
- Q How long has he been dead? A He has been dead - he died about twenty years ago.
- Q About how old was he when he died? A About eighty years old.
- Q Do you know the name of your father's mother? A Yes, but I couldn't hardly recollect.
- Q Is your mother living? A No, sir, my mother's died.
- Q What was her name? A Enaline.
- Q Was she older or younger than your father? A Younger than my father, I reckon.
- Q Did she have a Choctaw name? A Yes, sir.
- Q What was it? A Me-te-mah.
- Q Did she live in Mississippi all her life? A Yes, sir.
- Q Do you know the name of her father? A yes, sir.
- Q What was it? A Jim Porter.
- Q Did he have a Choctaw name? A yes, sir.
- Q What was it? A Ho-yubbee. He went out to the Nation.
- Q When did he first go out there? A Ten or twelve years ago since he been out there, and I think he come back a year or two before he died.
- Q How long did he stay out there? A Two or three months.
- Q When he was there before, how long did he stay? A I don't know; he said he went there two or three times, but I don't know about that.

5174

William Billey, et al., 2.

- Q Is your mother's mother living? A No, sir.
Q What was her name? A I couldn't tell you.
Q Have you told us all the names of your Choctaw ancestors whose names you know? A Yes, sir.
Q So far as you know, have all of your ancestors been full blood Choctaws? A Yes, sir.
Q Always lived here in Mississippi? A Yes, sir.
Q Are you married? A Yes, sir.
Q Wife living? A Yes, sir, she's out there.
Q What's her name? A Fannie.
Q Is she a full blood Choctaw? A Yes, sir.
Q Are you living with her now? A Yes, sir.
Q About how old is she? A I think about thirty years old.
Q Were you married to her under a license or according to the Choctaw custom? A License; bought my license at Philadelphia.
Q Is your wife's father living? A No, sir, he died.
Q What was his name? A Jacob.
Q Jacob what? A That's all I know.
Q Was he a full blood Choctaw? A Yes.
Q Lived here in Mississippi all his life? A Yes, sir.
Q Is your wife's mother living? A No, sir.
Q What was her name? A Betsey.
Q Was she a full blood Choctaw? A Yes, sir.
Q Lived here in Mississippi all her life? A Yes, sir.
Q Did either of your wife's parents have Choctaw name? A Yes.
Q What was Jacob's Choctaw name? A I don't think I know about that.
Q What was Betsey's Choctaw name? A Me-ah-ho-nah.
Q About how old would Betsey be if she were living now? A About sixty.
Q Do you know the name of any one of your wife's grand parents?
A No, sir, I don't know.
Q So far as you know, have all of your wife's ancestors lived here in Mississippi? A Yes, sir.
Q All been full blood Choctaws? A Yes, sir.
Q Were you ever married before you married Fannie? A Yes, sir.
Q Have any children by your first wife? A Yes, sir.
Q Are any of those children by your first wife living with you now? A No, sir.
Q How many children have you by your first wife living? A One.
Q What's her name? A Minnie Brokesoulder, the wife of Jim Brokesoulder.
Q Did your first wife die before you married your second wife? A No, sir, separated.
Q Were you married to her under a license or according to the Choctaw custom? A Choctaw custom.
Q What was her name? A Lucy.
Q Did she live in Mississippi all her life? A Yes, sir.
Q Is she living now? A No, sir, she died.
Q Full blood Choctaw was she? A Yes, sir.
Q Was Fannie ever married before she married you? A No, sir.
Q How many children have you living? A Four.
Q What are their names and ages? A Oma.
Q Girl? A Yes, sir.
Q How old? A Next seventeenth of this month she will be twelve.
Q Wilson a boy? A Yes.
Q How old? A I think about six years old.

5774

William Billey, et al., 3.

- Q Next one is Katie? A Yes.
- Q How old? A Going on three years old.
- Q Next one? A Enoch.
- Q About how old? A Born last February.
- Q That all of your children? A Yes, sir.
- Q Have you any other children living in your family? A No, sir.
- Q Are these four all the children of yourself and Fannie? A Yes, sir.
- Q Have you any old folks living in your family? A No, sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory, or your wife's name, or any of these children? A I don't know.
- Q Has any application of any description been made before today for you or your wife, or any of these children for the purpose of establishing your rights as Choctaw Indians? A Three years ago at Philadelphia.

The records of the Commission show that on the 30th day of January, 1899, a application was made to the Commission at Philadelphia, Mississippi, for the identification of this applicant, his wife, Fannie, and minor children, Oma, Wilson, Katie and Minnie, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 6; also, upon page 34 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 living 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 23, 24, 25, 26, 27, and 28, respectively, thereon.

- Q Is this application made for you three years ago the only application of any kind that has ever been made for you or these children? A That's all.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No, sir, don't know anything about that.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time 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

5774

William Billey, et al., 3.

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 your wife's ancestors, ever do as that 14th article required a Choctaw to do who might have been living here seventy one years, and wanted to stay here in Mississippi and take land under that 14th article instead of moving out to the new nation? A I don't know about that.

Q Did any of your ancestors or any of your wife's ancestors live here seventy one years ago? A I don't know.

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

A I don't know.

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

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

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

Q Did you ever hear of any of your people, or any of your wife's people, ever having gotten any land from the Government? A I never did hear, but one time it seems like I heard, but I don't know who it was.

Q Do you know where the land is they got? A I heard them talking about it being away back here next to Newton and Neshoba line.

Q Was it one of your ancestors, or one of your wife's ancestors, who got that land? A I heard it was -- Joe Jimmerson would know about it. He lives right over here; it's about a mile from here, but I don't know anything about that.

Q Do you know the name of the person who got that land? A No, sir, I don't know the name.

5174
William Billey, et al., S.

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

Q Never heard of such a thing, did you? A I heard, but I can't think of it.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land 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 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 arti-

5174

William Billey, et al., 6.

cle of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you think Joe Jimmerson would know? A Yes, sir, I think he would know some of it.

Q Do you think you could get him to appear before the Commission and give his testimony in your case? A I don't know.

Q You stated that he knew something of your people getting some land here some time ago? A Yes.

It might be that Jimmerson would know something in regard to this matter which would be of great importance to you and if you could get him to come down to the Commission's camp about three miles and a half northeast of Seale, and let us examine him, we might find out some of value to you.

Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your people, or any of your wife's people ever got any land here from the Government? A Yes, my wife said her mother got some land from the Government a long time ago; Jimmerson would know that; he said a fellow named Lowery lives on it now.

Q You don't know of any deeds or patent which would prove that? A No.

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

Q Have you any brothers living? A No.

Q Any sisters living? A Yes, sir.

Q How many? A Two.

Q What are their names? A Annie - married John Wickson; Leama, the wife of Culberson Davis.

Q Have you any ~~brothers~~ dead? A Yes, sir, one.

Q Did he leave any children? A No.

Q Have you any ~~sisters~~ dead? A No.

Q Has your wife any brothers living? A Yes, sir.

Q How many? A One.

Q What's his name? A Charley Jacobs.

Q Where does he live? A In this county.

Q Has your wife any brothers dead who left children? A No.

Q Has your wife any sisters living? A Yes, sir.

Q How many? A Two.

Q What are their names? A Oldest one Martha, youngest one named Eliza.

Q Who is Martha married to? A Ben Thompson.

Q Who is Eliza married to? A Tom Jack.

Q Has your wife any sisters dead who left children? A Sisters all living but one half sister died in the Nation.

Q What was her name? A Rainey.

Q How long has she been dead? A I don't know, been there about ten or twelve years.

Q She moved to the Nation? A No, one of her uncles went to the nation and took her with him; they stayed there a couple of months and took up and married, and stayed there about a year, I reckon.

Q Are any of your father's brothers or sisters living? A Yes.

Q How many? A One of them is living, Young Billey.

Q Has your father any sisters living? A Yes, sir.

5174

William Billey, et al., 7.

- Q What's her name? A I don't reckon it was full sisters; two of them are living, Nancy Billey.
- Q Who is she married to? A I don't think she has ever been married.
- Q What's the other one's name? A Meeley.
- Q Is she married? A Yes, sir.
- Q Who to? A Isom Dansby.
- Q Has your father any brothers or sisters dead who left children? A I don't know about that.
- Q Has your mother any brothers living? A I don't know.
- Q Or any sisters? A No.
- Q Has she any brothers or sisters dead who left children? A I don't know.
- Q Has your wife's father any brothers living? A No, sir, I do not know.
- Q Any sisters living? A No, I don't know about that.
- Q Has your wife's mother any brothers or sisters living? A One.
- Q What's his name? A I don't know.
- Q Has your wife's mother any brothers or sisters dead who left children? A One, whose name was Eliza Manger.
- Q Did she leave any children? A Houston and Raymond.
- Q Has your wife's mother any other brothers or sisters dead who left children? A I don't know.

(This applicant ~~has~~ and his wife, who are both present before the Commission, have the appearance of being full blood Indians. They speak and understand 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 Holy Cross, Mississippi, on the 2nd day of April, 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 9th day of April, 1902.

L. R. Moseley
 Clerk U.S. Circuit Court,
 Southern District of Mississippi,

By *J. M. ...* Deputy.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cur

-----o-----

In the matter of the application of William Billey, et al., for identification as Mississippi Choctaws, M.C.R. 5174.

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 2, 1902, by William Billey for himself, his wife Fannie Billey, and his four minor children Oma, Wilson, Katie and Enoch Billey 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 25, 1902, provides as follows:

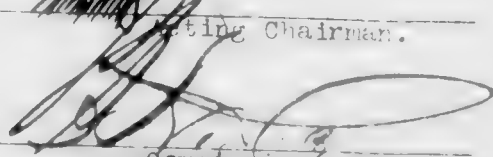
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants 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 William Billey, Fannie Billey, Oma Billey, Wilson Billey, Katie Billey and Enoch Billey should be identified as Mississippi Choctaws, and it is so ordered.

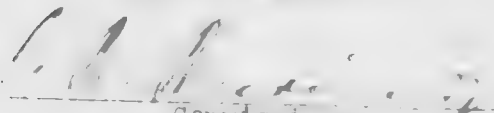
COMMISSION TO THE FIVE CIVILIZED TRIBES,



 Acting Chairman.



 Commissioner.



 Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

COPY.

M.C.R. 5174

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

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

Gentleman:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying William Billey, his wife Fannie Billey, and minor children Oma Billey, Wilson Billey, Katie Billey and Enoch Billey 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 William Billey, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

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

Respectfully, ^{SIGNED}

Fame Birby,
Chairman.

Registered.

Enc. M.C.R. 5174

M.C.R.5174

Muskogee, Indian Territory, March 11, 1903.

William Billey,

Holy Cross, 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, Fannie Billey and your minor children, Oma Billey, Wilson Billey, Katie Billey and Enoch Billey 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,

Fannie Libby
Chairman.

registered.

Enc. 5174

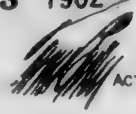
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

20

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

FILED
APR 3 1902

IN RE
Identification
Application for ~~enrollment~~ of


ACTING CHAIRMAN.

INFANT CHILD

Enoch Billey
as a citizen of

1635-

OF THE ~~Nation~~

Approved, _____ 190
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW
Commissioner.

See Miss Choctaw Card No 6

The within application is accept
ed 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 applica-
tion for its enrollment as a
citizen of the Choctaw Nation.


Acting Chairman.

5174

See Miss Choctaw Child No 6.

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

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

Identification
I, *RE* Application for ~~Registration~~, as a citizen of the MISSISSIPPI CHOCTAW Nation,
of *Enoch Billy*, born on the *11* day of *February*, 1902.
Name of Father: *William Billy*, a citizen of the MISSISSIPPI CHOCTAW Nation.
Name of Mother: *Fannie*, a citizen of the MISSISSIPPI CHOCTAW Nation.
Post-office: *Holy Cross, Miss.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.

~~INDIAN TERRITORY.~~
State of Mississippi District.
County of Wash.

I, *Fannie Billy*, on oath state that I am *30* years of age and a citizen, by *Full Blood*, of the *Choctaw Indian* Nation; that I am the lawful wife of *William Billy*, who is a citizen, by *Full Blood*, of the *Choctaw Indian* Nation, that a *male* child was born to me on the *11* day of *Feb.*, 1902; that said child has been named *Enoch Billy*, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Guy L. V. Emerson
[Signature]

Fannie Billy
mark

Subscribed and sworn to before me this *2* day of *April*, 1902.

L. B. Mosley, Clerk
U. S. Circuit Court District of Mississippi
By *[Signature]*
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.

~~INDIAN TERRITORY.~~
State of Mississippi District.
County of Wash.

I, *William Billy*, on oath state that I attended on Mrs. *Fannie Billy*, my wife, on the *11* day of *February*, 1902; 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 *Enoch Billy*.

WITNESSES TO MARK

(Must be Two Witnesses)

Guy L. V. Emerson
[Signature]

William Billy
mark

Subscribed and sworn to before me this *2* day of *April*, 1902.

L. B. Mosley, Clerk
U. S. Circuit Court District of Mississippi
By *[Signature]*
NOTARY PUBLIC

For Identification as a Mississippi Choctaw.

Holy Cross, Miss. Date

Name William Billey

Age 38 Blood full

Post Office, Holy Cross, Miss.

Father: Tom. Billey d
Ho-tah lubbee

Mother: Emaline Billey d
me-te mah

Claims through

wife Fannie Billey (full) 30

Father Jacob " d

Mother Betsey We-ah-ho-nah d

Children:

Oma Billey (r) 12

Wilson " 6

Katie " 3

Enoch " 2 mo.

Father's father - Tho-po-tubbee d

Mother's " - Ho-tubbee d

Stenographer

(R. I. Street

Choctaw MCR 5175

John Reece

MCR 5175

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of John Reece, et al.,
for identification as Mississippi Choctaws, M.C.P. 5175.

---O---

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of John Reece, et al.,
for identification as Mississippi Choctaws, K.C.R. 5175.

--: I N D E X :--

	(Page)
Original application of John Reece, et al., before the Dawes Commission for identifi- cation as Mississippi Choctaws.....	1
Decision of the Commission identifying above applicants...	7

---0---

Department of the Interior,
Commission to the Five Civilized Tribes,
Holy Cross, Mississippi, April 2, 1902.

In the matter of the application of John Reece for the identification of himself, his wife, Fannie, minor child, Easie and minor step-child, Hickman Bull, as Mississippi Choctaws.

John Reece, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination of the Commission.

- Q What is your name? A John Reece.
- Q How old are you? A About twenty three.
- Q Are you a full blood Choctaw? A Yes.
- Q What's your post office address? A North Bend, Mississippi.
- Q Do you live in Neshoba County? A Neshoba County
- Q How long have you lived in Neshoba County? A About ten years.
- Q Where did you live before that? A In Newton County.
- Q Were you born and raised there? A Yes, sir.
- Q Is your father living? A No sir.
- Q What was his name? A John Davis.
- Q Was he a full blood Choctaw? A Yes.
- Q Did he live in Mississippi all his life? A Yes, sir.
- Q Did he have a Choctaw name? A I don't know ; at that time I was a little child; I don't know what it's name was, only they called him John Davis.
- Q About how old would he be if he were living now? A About - I don't know.
- Q Is his father living? A I don't know.
- Q Do you know what his name was? A No, I don't know.
- Q Is your father's mother living? A No, sir.
- Q Do you know what her name was? A No, sir.
- Q Is your mother living? A No, sir, she died.
- Q What was her name? A Mary.
- Q Was she a full blood Choctaw? A Yes, sir.
- Q Did she live in Mississippi all her life? A Yes, sir.
- Q Is her father living? A No, sir, I expect not.
- Q Or her mother? A No, sir.
- Q Do you know the name of either one of them? A No, sir, I don't know the name of either of them.
- Q You don't know the name, then, of any one of your ancestors, except your father and your mother? A No, sir, that's all.
- Q So far as you know, have all of your ancestors always lived here in Mississippi? A Yes, sir.
- Q And all been full blood Choctaws? A Yes, full blood Choctaws.
- Q Are you married? A Yes, sir.
- Q Wife living? A Yes, sir.
- Q What's her name? A Fannie.
- Q Are you living with her at this time? A Yes, sir.
- Q How long have you been living with Fannie? A We been living together about over a year.

John Reece, et al., 2.

- Q Were you married to her under a license or according to the Choctaw custom? A Choctaw custom.
- ✓ Q Is she a full blood Choctaw? A Yes, sir.
- Q About how old is she? A Bout nineteen.
- Q Has she always lived in Mississippi? A Yes, sir.
- ✓ Q Is her father living? A No, sir.
- Q What was his name? A Cotton.
- Q That the only name he had? A Yes, sir.
- Q Did you ever see him? A No, sir, I never did see him.
- ✓ Q Do you know whether he was a full blood Choctaw? A Yes, I think he was.
- Q Do you know the name of either one of his parents? A No, sir.
- Q Is your wife's mother living? A Yes, sir.
- ✓ Q What's her name? A I forget her name; she is Tom Kate's wife - Lucy, I think.
- ✓ Q Is Lucy a full blood Choctaw? A Yes, sir.
- Q Do you know the name of her father or her mother? A No, sir.
- Q About how old is Lucy? A I don't know how old she is.
- Q So far as you know, have all of your wife's ancestors always lived here in Mississippi? A Yes, sir.
- ✓ Q They have all been full blood Choctaws? A Yes, sir.
- ✓ Q Have you any children living? A Yes.
- Q How many? A Two.
- Q Are they both living with you at this time? A Yes, sir.
- ✓ Q What are their names? A Hickman and Easie.
- Q About how old is Hickman? A About little over two years old, I think.
- ✓ Q Hickman is Fannie's child? A Yes, sir.
- ✓ Q What's his father's name? A Pink Bull.
- ✓ Q Is he a full blood Choctaw? A Yes, sir.
- Q Has he always lived here in Mississippi? A Yes, sir.
- Q Where does he live now? A Lives in Kemper County.
- ✓ Q Is Easie the child of yourself and Fannie? A Yes, sir.
- ✓ Q About how old is Easie? A Will be a year the middle of this month.
- Q Have you any other children living in your family? A Just these two.
- Q Is your name, or your wife's name on any of the Choctaw tribal roll in Indian Territory? A I don't know.
- Q Has any application of any kind ever been made before today for either you, or your wife, or either of these children for the purpose of establishing your rights as Choctaw Indians? 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 John Reece, and his wife, Saline, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 202; also, upon page 61 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 690 and 691, respectively, thereon.

John Reece, et al., 3.

- Q At the time you appeared before the Commission three years ago you were married to a woman named Saline? A Yes.
- Q Was she a full blood Choctaw? A Yes.
- Q How long have you been separated from her? A About three years.
- Q Were you married to her under a license or according to the Choctaw custom? A License.
- Q Either of you ever get a divorce? A No, sir.
- Q Has she married again? A No, I don't expect she has.
- Q Have you any children by Saline? A One.
- Q What's the name? A Manuel.
- Q Where does she live? A In Kemper County.
- Q Wasn't an application made to the Commission in your behalf in 1896, about six years ago? A Yes.

The name of this applicant appears in the case of Jack Amos et al, versus the Choctaw Nation. The original application was filed with the Commission on the 10th day of September, 1896; on December 1st, 1896, the Commission denied said application, and an appeal was taken to the United States District Court for the Central Judicial District of Indian Territory at South McAlester, Indian Territory, and on the 27th day of August, 1897, said court affirmed the decision of the Commission, and a further appeal was taken to the United States Supreme Court, where the decision of the lower Court was affirmed.

- Q Are these two applications the only applications of any kind that have ever been made for you? A Yes.
- Q You haven't been before the Commission within the last year? A No, sir.
- Q No application of any kind has ever been made for your present wife, has there? A No, sir.
- Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, 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, the Choctaws some of them 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

John Reece, et al., 4

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 the family or a portion of it. Persons who claim under this article shall not 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 of ever receive any benefits under that article? 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 If they did, I don't know it.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land?
- Q 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 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 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

John Reece, et al., 5.

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, or any of the ancestors of Pink Bull, 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 don't know it.

An Act of Congress approved on the 23rd day of August, 1842 provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in the place of the land 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, or any of the ancestors of Pink Bull 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 written evidence of any kind which would prove or tend to prove such a state of facts - that any of your ancestors or any of your wife's ancestors, or any of the ancestors of Pink Bull, ever complied or attempted to comply with the provisions of that 14th article, or ever received any benefits thereunder? A No.

Q Do you know of any old folks living who would likely know about this matter? A I don't know of any old person who would know about it.

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 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.

John Reque, et al., 6.

- Q Any further statements you want to make at this time? A No.
Q Have you any brothers living? A No.
Q Any sisters? A No.
Q Have you any brothers or sisters dead? A Yes, my own brother and own sister dead.
Q Did either of them leave children? A Yes, I think my sister did.
Q What was her name? A Ann.
Q What was her husband's name? A Wesley Cain.
Q How many children they your sister leave? A One.
Q Is that child living now? A Yes.
Q What's it's name? A Ann.
Q Living with it's father? A I think it is.
Q Any of your father's brothers or sisters living? A No.
Q Any of their children or grand children living? A No.
Q Any of your mother's brothers or sisters living? A Yes, Jimmy Tom.
Q Has he any other name? A No - Jim Post-Oak.
Q Has your mother any brothers or sisters dead who left children?
A Yes.
Q How many? A Three of my mother's sisters have children.
Q, What were their names? A Emma Davis; she left two children, Shook Him-o-nubbee and Davis Him-o-nubbee.
Q Did your mother's other sisters leave children? A No, I was mistaken a while ago.
Q Has your wife any brothers living? A Yes, two; Raym nd and Bill Cotton.

(This applicant has the appearance of being a full blood Indian. He speaks and understands the Choctaw language, but very little 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 Holy Cross, Mississippi, on the 2nd day of April, 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 9th day of April, 1902.

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.

Cover

-----o-----

In the matter of the application of John Reece, et al.,
for identification as Mississippi Choctaws, M.C.R. 5175.

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 2, 1902, by John Reece for himself, his wife Fannie Reece, his minor child Easie Reece, and his minor step-child Hickman 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 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

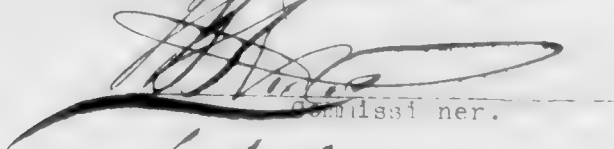
Nations September 20, 1907, provides as follows:

"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 Reece, Fannie Reece, Masie Reece and Hickman Bull should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.

Muskogee, Indian Territory,


Commissioner.

FEB 14 1908

M.C.R. 5175.

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

In the matter of the application for the identification of
Lelia Reece (or Reese) as a Mississippi Choctaw.

.....D E C I S I O N.....

It appears from the record herein that application has been made to this Commission for the identification as a Mississippi Choctaw of Lelia Reece (or Reese), born August 19, 1902, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

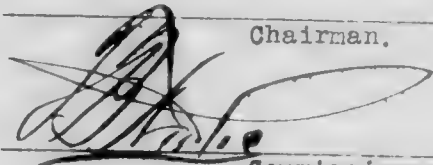
"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer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

It further appears from the records of the Commission that the said Lelia Reece (or Reese) is the legitimate child of John Reece (or Reese) and Fannie Reece (or Reese), both of whom are full-blood Mississippi Choctaw Indians and have been identified as such by the Commission to the Five Civilized Tribes, under the provisions of section 41 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.

It is, therefore, the opinion of this Commission that Jelia
Rooce (or Reese) should be identified as a Mississippi Choctaw, and
it is so ordered.

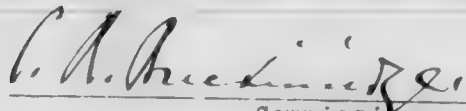
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

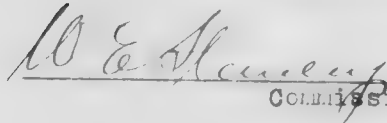


Commissioner.

Commissioner.



Commissioner.



Muskogee, Indian Territory,

MAY 28 1903

Ardmore, I. T., February 1903.

To the Commission to the Five Civilized Tribes,-

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 in my case.

John Ruce

John Ruce also applied for his wife Fannie and two children, Hickman and Lula

60-7
M.C.R. 5175.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying John Reece, his wife Fannie Reece, minor child Easie Reece, and minor step-son Hickman Bull, 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 Reece, 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. M. C. R. 5175.

James Dixby
Acting Chairman.

M.C.R. 5175

Muskogee, Indian Territory, March 11, 1903.

John Reese, *Remailed to Ardmore. A.T. April 7 1903*
North Bend, 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 Fannie Reese, your minor step-child, Hickman Bull and your minor child, Essie Reese, 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,

Chairman

Registered

Enclosure 5175

M C R 6175

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 11th ultimo, enclosing the affidavit of the mother, Fannie Reese, and that of the midwife, Jane Bell, relative to the birth of Leila Reese, infant child of John and Fannie Reese, August 19, 1902. Said affidavits have been filed with the record in the Mississippi Choctaw case of John Reese, et al.

Respectfully,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, June 2, 1903.

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission rendered May 28, 1903, identifying Lelia Reese (or Reese), minor child of John and Fannie Reese (or Reese), 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 Lelia Reese (or Reese) 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:

T. B. Needles.

Registered.
Enc. 5175.

Commissioner in Charge.

W.C.B.

COMMISSIONERS
JAMES 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. 5175.

ALLISON L. AYLESWORTH,
SECRETARY

Muskogee, Indian Territory, June 2, 1903.

John Reece (or Reese),
Ardmore, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes rendered May 28, 1903, identifying your minor child, Lelia Reece (or Reese) as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Respectfully,



Commissioner in Charge.

Registered.

Enc. 5175.

M C R 5175

Muskogee, Indian Territory, October 25, 1904.

Fanny Reese,
o/o J. W. Newcomb,
Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 17th instant, stating that you are the wife of John Reese, deceased, a full blood Mississippi Choctaw; that you have a little child named Dela, whom you would like to have enrolled as a Mississippi Choctaw if her name does not already appear upon the rolls.

In reply to your letter you are informed that it appears from our records that on February 14, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying John Reese, his wife, Fannie Reese, his minor child Essie Reese, and his minor step-child Hickman Bull, as full blood Mississippi Choctaw Indians, their names appearing upon a schedule of duly identified Mississippi Choctaws approved by the Secretary of the Interior on April 7, 1903.

On May 28, 1903, the Commission rendered a supplemental decision identifying Lella Reese (or Reese), minor child of John and Fannie Reese, as a full blood Mississippi Choctaw, her name appearing upon a schedule of duly identified Mississippi Choctaws approved by the Secretary of the Interior on September 14, 1903.

F R 2

Our records do not show that any application has ever been made to this Commission by or on behalf of any person by the name of Dela Reese (or Reese) for identification as a Mississippi Choctaw, and 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 Commission is now without authority to receive or consider the original application of any person for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

IN RE

Identification
Application for ~~enrollment~~ of

INFANT CHILD

Easie Reece

AS A ~~CITIZEN~~

~~Number~~

Approved,
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW
190
Commissioner.

See Miss Choctaw Carl Field No 202.

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.



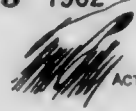
Acting Chairman.

MISSISSIPPI CHOCTAW. #202.

6175

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

FILED
APR 3 1902



ACTING CHAIRMAN.

See Miss Choctaw Card Ind No 202.

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS

A MISSISSIPPI CHOCTAW

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for ^{Identification} ~~Registration~~, as a citizen of the _____ Nation,

of Basie Reece (Here insert name of child), born on the 16 day of April, 1901

Name of Father: John Reece, a citizen of the _____ Nation

Name of Mother: Fannie Reece, a citizen of the _____ Nation

Post-office, North Bend, Miss

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
State of Mississippi District. }
County of Neshoba }

I, _____, on oath state that I am _____

years of age and a citizen, by _____, of the _____ Nation;

that I am the lawful wife of _____, who is a citizen, by _____

, of the _____ Nation, that a _____ child was

born to me on the _____ day of _____, 1901; that said child has been

named _____, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

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

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
State of Mississippi District. }

I, John Reece, on oath state that I

attended on Mrs. Fannie Reece, my wife of _____,

on the 16 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

named Basie Reece (male or female)

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 2 day of April, 1902.

John Reece
man
L. B. Mosley, Chd.
U.S. Circuit Court District of Mississippi
By [Signature]

5175

IN RE

Application for Enrollment of

Lella Bell
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

as a citizen of the
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW Nation.

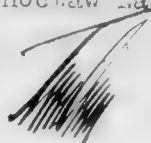
Approved,

190

COMMISSIONER

This application was received
at this office, March 23, 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
application of its parents for
identification as Mississippi
Choctaws, but is not to be
considered as an application
for its enrollment as a citizen
of the Choctaw Nation.



Chairman.

M C R 5175

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Miss Chotaw Nation, of Lella Reece, born on the 19 day of Aug, 1902. Name of Father: John Reece, a citizen of the Miss Chotaw Nation. Name of Mother: Fannie Reece, a citizen of the Miss Chotaw Nation. Postoffice, Admora, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, Fannie Reece, on oath state that I am 19 years of age and a citizen, by blood, of the Miss Chotaw Nation; that I am the lawful wife of John Reece, who is a citizen, by blood, of the Miss Chotaw Nation; that a female child was born to me on the 19 day of Aug 1902; that said child has been named Lella Reece and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses) J. P. [Signature] O. F. [Signature]

Subscribed and sworn to before me this 19 day of March, 1903. O. F. [Signature] NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, Jane Belle, a Midwife, on oath state that I attended on Mrs. Fannie, wife of John Reece, on the 19 day of Aug, 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 Lella Reece.

WITNESSES TO MARK:

(Must be Two Witnesses) J. P. [Signature] O. F. [Signature]

Subscribed and sworn to before me this 19 day of March, 1903. O. F. [Signature] NOTARY PUBLIC.

My commission expires Feb 9th 1907

John Veece, et al.

51

COPY OF DECISION FORWARDED
APPLICANT

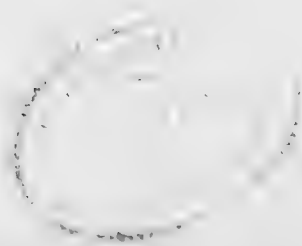
MAR 11 1903

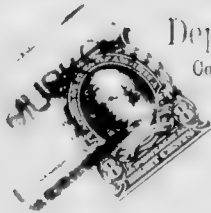
1000000000

JUL 14 1-10

ONE

26
100
100





Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCHEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Feb.

...

...

Choctaw MCR 5176

Tom Jack

MCR 5176

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--- 0---

In the matter of the application of Tom Jack, et al.,
for identification as Mississippi Choctaws, W.C.R. 5176.

--: I N D E X :--

	(Page)
Original application of Tom Jack, et al., before the Dawes Commission for identifi- cation as Mississippi Choctaws.....	1
Decision of the Commission identifying above applicants...	6

-----0-----

5176

Department of the Interior,
Commission to the Five Civilized Tribes,
Holy Cross, Mississippi, April 2, 1902.

In the matter of the application of Tom Jack for the identification of himself, his wife, Eliza, and four minor children, Ethel, Silman, Evaline and Beaman, as Mississippi Choctaws.

Tom Jack, 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 Jack.
- Q How old are you? A About thirty seven.
- ✓ Q Are you a full blood Choctaw? A Yes.
- Q What's your post office address? A Holy Cross.
- Q You live in Neshoba County? A Yes, sir.
- Q How long have you lived in Neshoba County? A Long time.
- Q All your life? A Yes.
- ✓ Q Is your father living? A No, sir.
- ✓ Q What was his name? A Dick Jack.
- ✓ 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? A No, sir.
- Q Or his mother? A No, sir, don't know.
- Q Did he have a Choctaw name? A No.
- ✓ Q Is your mother living? A Yes, sir.
- ✓ Q What's her name? A Martha.
- Q Where does she live? A In Neshoba County.
- Q About how old is she? A About seventy five.
- Q Has she a Choctaw name? A I don't know; might be.
- Q You don't know what it is? A No.
- Q Do you know the names of her parents? A No.
- Q Has she lived here in Mississippi all her life? A Yes.
- ✓ Q So far as you know, have all of your ancestors been full blood Choctaws, and always lived here in Mississippi? A Yes.
- Q Are you married? A Yes, sir.
- ✓ Q Wife living? A Yes, sir.
- ✓ Q What's her name? A Eliza.
- Q Are you living with her now? A Yes.
- Q About how old is she? A About twenty six, somewhere's along there.
- ✓ Q Is she a full blood Choctaw? A Yes.
- Q Were you married to her under a license? A License.
- Q Where did you get the license? A Philadelphia.
- Q About how long have you been living with Eliza? A About fifteen years.
- Q Well, she must be more than twenty six, don't you think? A Might be.
- Q Has your wife lived here in Mississippi all her life A Yes, sir.

Tom Jack, et al., 2.

- Q Were you ever married before you married her? A Yes, sir.
Q Is your first wife living? A Yes, sir.
Q Were you married to your first wife under a license or according to the Choctaw custom? A Choctaw custom.
Q What's her name? A Jane.
Q Is she married now? A She married, but done quit.
Q Jane what? A Jane Scott. Daughter of Indian McDonald.
Q Have you any children by her? A Yes, one.
Q What's that child's name? A Bicey Jack.
Q Has Eliza been married more than once? A Yes.
Q What was her first husband's name? A I don't know.
Q Has she any children by her first husband? A No.
Q Was she married to him under a license or according to the Choctaw custom? A Aint married.
Q I thought you said she was married before you married her?
A No.
✓ Q Has your wife's father living? A No.
✓ Q What was his name? A Jacob.
Q Have any Choctaw name? A No, sir, I don't know.
✓ Q Was he a full blood choctaw? A Yes, sir.
Q Live in Mississippi all his life? A Yes, sir.
Q Do you know the names of his parents? A No.
Q Wife's mother living? A No, sir.
✓ Q What was her name? A Betsey.
Q Did she have a Choctaw name? A Yes.
Q What was her Choctaw name? A Me-h-ho-nah.
Q Do you know how old she would be if she were living now? A No.
Q Do you know the names of her parents? A No.
Q So far as you know, have all of your wife's ancestors lived here in Mississippi, have they? A Yes.
✓ Q Have they all been full blood Choctaws? A Yes.
Q Have you any children living? A Yes.
Q How many? A Four.
Q What are their names? A Ethel.
Q About how old is she? A Going on nine I think.
Q Next one? A Going on eight.
Q What's the name? A Silman.
Q What the name of the next one? A Evaline.
Q How old is she? A Four.
Q Next one? A Beaman.
Q That's the young one? A Yes.
Q How old is he? A Three months old, I think.
Q These children all four living with you at this time? A Yes, sir.
Q Are they all the children of yourself and Eliza? A Yes, sir.
Q Have you any other children living at your house? A No, sir.
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? Do you know? A No, sir, I don't know.
Q Has any application of any kind ever been made for yourself, your wife or any of these children before today for the purpose of establishing your rights as Choctaw Indians? A Yes, at Philadelphia

The records of the Commission show that on the 30th day of January, 1899, application was made to the Commission at

Tom Jack, et al., 3.

Philadelphia, Mississippi, for the identification of this applicant, his wife, Eliza, and minor children, Ethel, Silman and Evaline, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 121; also, upon page 50 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 424, 425, 426, 427 and 428, respectively, thereon.

Q Is that application made by you at Philadelphia, the only application of any kind that has ever been made for you, your wife, or these children? A That's right, I reckon; that's all I know.

Q 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 do as that 14th article said that a Choctaw should do in case he wanted to stay here in Mississippi and take land from the Government instead of moving out west to the new nation? A No, sir, I don't know.

Q Do you know whether any of them lived here seventy one years ago, 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 heard it, but I don't know it.

Q Who did you hear moved out there of your people, or your wife's people? A I don't know.

Q Did any of your ancestors, or any of your wife's ancestors, within six months after this 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 get any land here in Mississippi from the Government under this 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did you ever hear of any of your ancestors, or any of your wife's ancestors having gotten any land here from the Government of the United States? 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 of the States and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances,

Tom Jack, et al., 4.

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. 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 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 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, 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 written evidence of any kind which would prove or tend to prove that 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? A No.

Q Do you know of any old folks living who would likely know about this matter? A No.

Q You have no written evidence to offer at this time? A No.

Q Any witnesses? A No.

If you should find any witnesses whose ~~test~~ 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 Muskege, Indian

Tom Jack, et al., 5.

Territory, and their testimony will be taken.

- Q. Any further statements you want to make at this time in support of your application? A No, sir.
- Q. Have you any brothers living? A Aint got none.
- Q. Have you any brothers dead? A No, got step brother, or half brother.
- Q. What's his name? A Billy Jack.
- Q. Have you any sisters living? A Yes .
- Q. How many? A One.
- Q. What's her name? A A Nancy.
- Q. Is she married? A Yes.
- Q. What's her husband's name? A Jackson.
- Q. Did he have any other name besides Jackson? A Yes, sir.
- Q. What was it? A Im-mah-lubbee.
- Q. Did you ever have any other sisters? A No, sir.
- Q. Has your wife any sisters living? A Yes.
- Q. How many? A One of them is Fannie Billey, the wife of William Billey.
- Q. Are any of your father's brothers or sisters living? A No, sir.
- Q. Are any of your mother's brothers or sisters living? A No sir, all died.
- Q. Did any of your father's brothers or sisters leave children? A No, sir.
- Q. Any of your mother's brothers or sisters leave children? A No, sir.

(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 at Holy Cross, Mississippi, on the 2nd day of April, 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 23rd 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.

Over

- - - - -

In the matter of the application of Tom Jack, et al.,
for identification as Mississippi Choctaws, M.C.R. 5176.

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 2, 1902, by Tom Jack for himself, his wife Eliza Jack, and his four minor children Ethel, Silman, Evaline and Beaman 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 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.

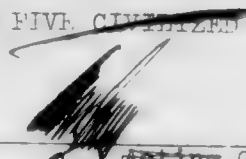
Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902 (32 Stats., 641) and ratified by the Choctaw and Chick-

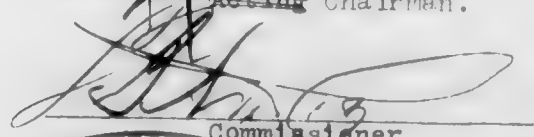
asaw Nations September 25, 1902, provides as follows:

"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 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 Jack, Eliza Jack, Ethel Jack, Silman Jack, Evaline Jack and Beaman 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,

SEP 27 1902

M.C.R. 5176

Muskogee, Indian Territory, May 4, 1903.

Tom Jack,

Remitted. Callaway, J. T. Dec 10 1903.
Holy Cross, 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, Elina Jack and your minor children, Ethel Jack, Silman Jack, Evaline Jack and Beaman 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 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,

Wm. B. ...
Chairman.

Registered.

Enc. 5176.

COPY.

M.O.R. 5176.

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 17, 1903, identifying Tom Jack, his wife, Eliza Jack, and children, Ethel Jack, Silman Jack, Evaline Jack and Beaman 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 Tom Jack, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

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

Respectfully,

(SIGNED) *Tame Bixby.*

Chairman.

Registered.
Enc.: 5176.

COPY.

M.C.R.5176.

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 17, 1903, identifying Tom Jack, his wife, Eliza Jack, and children, Ethel Jack, Silman Jack, Evaline Jack and Beaman 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 Tom Jack, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

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

Respectfully,

(SIGNED),

Jame Bixby.

Chairman.

Registered.
Enc.: 5176.

COPY.

Muskogee, Indian Territory, May 4, 1903.

Tom Jack,

Holy Cross, 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, Eliza Jack and your minor children, Ethel Jack, Silman Jack, Evaline Jack and Beaman Jack as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 341).

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 Ajoke, Choctaw Nation, or Fishamingo, Chickasaw Nation.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Enc. 5176

**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.**

IN RE
Identifier
Application for ~~enrollment~~ of
INFANT CHILD

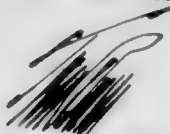
Beaman Jack.
as a citizen of

~~Nation.~~

Approved,
**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW** 190
Commissioner.

See Miss Choctaw Card No 121.

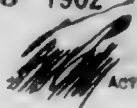
The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.



Acting Chairman.

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

FILED
APR 3 1902



ACTING CHAIRMAN

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

Identification
IN RE Application for ~~Registration~~ as a citizen of the MISSISSIPPI CHOCTAW, ~~Nation~~
of *Beaman Jack*, born on the *7* day of *January*, *1902*
(Here insert name of child)
Name of Father: *Tom Jack*, a citizen of the MISSISSIPPI CHOCTAW, ~~Nation~~
Name of Mother: *Eliza*, a citizen of the MISSISSIPPI CHOCTAW, ~~Nation~~
Post-office, *Holy Cross, Miss.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
~~Indian Territory~~
State of Mississippi District,
County of Neshoba

I, *Eliza Jack*, on oath state that I am *about 26* years of age and a ~~citizen~~ *full blood Choctaw* Nation;
that I am the lawful wife of *Tom Jack a full blood* ~~Choctaw~~ *Choctaw*, who is a citizen by ~~Nation~~ *Nation*, that a *male* child was (male or female) born to me on the *7* day of *January*, *1902*; that said child has been named *Beaman Jack*, and is now living.

WITNESSES TO MARK
(Must be Two Witnesses) | *Guy L. V. Emerson* *Eliza Jack*
| *R. S. Street* *mark*

Subscribed and sworn to before me this *2* day of *April*, 190*2*.

L. B. Mosley, Clerk
U. S. Circuit Court, District of Mississippi
By *W. M. D. C.*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
~~Indian Territory~~
State of Mississippi District,
County of Neshoba

I, *Beaman Tom Jack*, on oath state that I attended on Mrs. *Eliza Jack* my wife of on the *7* day of *January*, *1902*; 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 *Beaman Jack*.

WITNESSES TO MARK
(Must be Two Witnesses) | *G. L. V. Emerson* *Tom's Jack*
| *R. S. Street* *mark*

Subscribed and sworn to before me this *2* day of *April*, 190*2*.

L. B. Mosley, Clerk
U. S. Circuit Court, District of Mississippi
By *W. M. D. C.*

1954

No. 5176

For Identification as a Mississippi Choctaw.

Holy Cross, Miss

Name Tom Jack

Age 37

Blood full.

Post Office, Holy Cross, Miss.

Father: Dick Jack d

Mother: Martha " L

(Claims through

wife Eliza Jack (full) 26

Father Jacob d

Mother Betsey Meah-ho-ho L

For self, wife, child en

Children:

Ethel Jack 8

Silman " 7

Evaline " 4

Beaman " 3mo

Miss hoc - and about 1-1

Stenographer

R. S. Streit

Choctaw MCR 5177

Martha Jack

MCR 5177

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application for the identification
of Martha Jack as a Mississippi Choctaw, M.C.R. 5157.

-----o-----

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application for the identification
of Martha Jack as a Mississippi Choctaw, M.C.R. 5177.

--: I N D E X :--

	(Page)
Original application of Martha Jack before the Dawes Commission for identification as a Mississippi Choctaw.....	1
Decision of the commission identifying above applicant....	3

-----0-----

377

Department of the Interior,
Commission to the Five Civilized Tribes,
Holy Cross, Mississippi, April 2, 1902.

In the matter of the application of Martha Jack for identification as a Mississippi Choctaw, represented by her son, Tom Jack.

Tom Jack, 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 Jack.
Q How old are you? A About thirty seven.
Q What is the name of your mother? A Martha Jack.
Q How old is your mother? A About seventy five.
Q Is she a full blood Choctaw? A Yes.
Q What's her post office address? A Holy Cross, Mississippi.
Q Has she lived in this County all her life? A Yes, sir.
Q Is she a full blood Choctaw? A Yes, sir.
Q Is she an invalid? A Yes, sir.
Q With whom does she live? A She lives with me.
Q Is she here at your house now? A Not today.
Q Do you know the name of her father? A No, sir.
Q Or her mother? A No, sir.
Q Do you know whether any application of any kind has ever been made in her behalf within the last year for the purpose of establishing her rights as a Choctaw Indian? A No, sir.
Q If any application has ever been made for her, you would likely know about it wouldn't you? A Yes, but no application was made last year.
Q Has any application of any kind ever been made for her? 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 Martha Jack, as a Mississippi Choctaw, her name appearing upon Mississippi Choctaw card, Field Number 189; also, upon page 59 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 651 thereon.

- Q Is that the only application of any kind that has ever been made for her? A That's all.

Martha Jack, 2.

(Special reference is hereby made to the testimony of Tom Jack, given before the Commission on this date in support of his own application. This testimony is taken within three hundred yards of his house. His mother is away from home today on a visit, and on account of lack of time, the Commission is unable to hunt her up.)

R. S. Strait, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Holy Cross, Mississippi, on the 2nd day of April, 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. Strait

Subscribed and sworn to before me at Teles, Mississippi, this 9th 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.

Cow

In the matter of the application for the identification of Martha Jack as a Mississippi Choctaw, M.C.R. 5177.

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 April 2, 1902, by Tom Jack for his mother Martha 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 there-to and make report to the Secretary of the Interior."

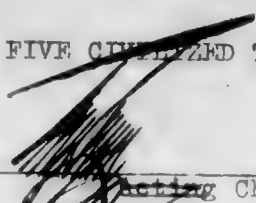
From the evidence submitted in support of said application it appears that the applicant is a full blood Mississippi Choctaw Indian.

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:

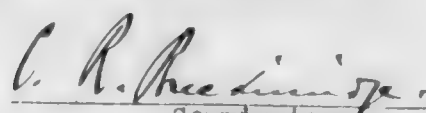
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants 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 Martha Jack should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

APR 27 1903

COPY.

Muskogee, Indian Territory, April 28 , 1903.

Mansfield, McMurray and Gornish,
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 Martha Jack 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 Martha Jack 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)

Jams Dixby.

Chairman.

M O N 5177

COPY!

Muskogee, Indian Territory, May 3, 1903.

Martha Jack,

Remailed Calloway J. T. Dec. 10. 1903.
Holy Cross, 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 Stat., 641).

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

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

Enc. 5177.

Foley Cross Miss
5. 23. 03.

Post Master.

Mustkerge St.

Dear Sir:-

I enclose you
will find letters by Tom
Jack and Martha Jack
(Indians) registered from
your Office whom
they have named as
not your servants
of the Indian Territory
and I have not their
address

W. A. George
J. M. - Foley Cross
Miss

For Identification as a Mississippi Choctaw.

Holy Cross, Miss
Date

Name Martha Jack

Age 75 Blood full

Post Office, Holy Cross, Miss.

Father: dont know do

Mother: " " d

Claims through

Children:

189

Stenographer

R. A. Harris

Choctaw MCR 5178

Lucy Jimmerson

MCR 5178

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Lucy Jimmerson for
identification as a Mississippi Choctaw, M.C.R. 5179.

-----o-----

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

---0---

In the matter of the application of Lucy Jimmerson for
identification as a Mississippi Choctaw, M. C. R. 5178.

---0---

--: I N D E X :--

	(Page)
Original application of Lucy Jimmerson before the Dawes Commission for identification as a Miss- issippi Choctaw-----	1
Affidavit of Lucy Jemmerson-----	5
Affidavit of Rena Davis-----	6
Decision of the Commission identifying the above applicant-----	7

---0---

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lucy Jimmerson for
identification as a Mississippi Choctaw, M.C.R. 5178.

List of papers forwarded to the Secretary of the Interior com-
prising the record in the case of Lucy Jimmerson.

	(Page)
Original application of Lucy Jimmerson before the Dawes Commission for iden- tification as a Mississippi Choctaw.....	1
Decision of the Commission identifying above applicant....	5

5178

Department of the Interior,
Commission to the Five Civilized Tribes,
Holy Cross, Mississippi, April 2, 1902.

In the matter of the application of Lucy Jimmerson for identification as a Mississippi Choctaw.

Lucy Jimmerson, 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 Lucy Jimmerson.
Q How old are you? A About forty - born before the war.
Q How long before the war? A Nearly ten years.
Q You must be about fifty years, then? A Yes.
Q Are you a full blood Choctaw? A Yes.
Q What's your post office address? A Holy Cross, 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 Yes.
Q What is his name? A Joe Jimmerson.
Q Has he a Choctaw name? A Yes.
Q What is it? A Ah-chuck-ma-hambee.
Q Has your father lived here in Mississippi, all of his life?
A Yes.
Q Do you know the name of his father or his mother? A I don't know his mother, but I know his father.
Q What's his father's name? A Ho-yubbee.
Q Is your mother living? A Died before I knowed her.
Q Do you know what her name was? A No.
Q Do you know the names of any of your mother's ancestors? A Ho-kah-te-mah.
Q Do you know the names of any of your mother's ancestors? A No.
Q So far as you know have all of your ancestors been full blood Choctaws? A Yes.
Q Have they always lived here in Mississippi? A Yes.
Q Are you married? A Yes, I was married, but my husband died.
Q Have you any children living? A Had some, but they all died.
Q You have no children living with you? A No.
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 kind been made for you before today for the purpose of establishing your rights as a Choctaw Indian? 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, for the identification of this applicant as a Mississippi Choctaw, her name appearing upon Mississippi Choctaw Card, Field Number 18; also, upon page 34 of the Schedule which accompanied the report of March

Lucy Jimmerson, 2.

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 18, thereon.

Q Is this application for you at Philadelphia, three years ago, the only application of any description that has ever been made for you? A That's all.

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 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 ~~mix~~ agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter 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.

Lucy Jimmerson, 3.

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 live here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made?

A Never heard.

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 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 in Mississippi and become citizens of the States and take land? A 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 I don't know.

Q Did you ever hear of any of your people ever having gotten any land here in Mississippi from the Government of the United States?

A If they did, I don't know anything about 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 in Mississippi and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

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

Lucy Jamerson, 4.

An Act of Congress approved on the 23rd day of August, 1842 provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government land some place else here in Mississippi, or in Alabama, 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 seen or heard of any of them 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 this 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under it? 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 Don't know of any.
- 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 Any written evidence of any kind to offer? A No.
- Q Any further statements you want to make? A No.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 2nd day of April, 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 10th day of April, 1902.

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

4

By *[Signature]*

Deputy.

Enc B I 25135.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAY 6 1903



MER 5-178

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss:
SOUTHERN DISTRICT. }

On this 2nd day of May, 1903, personally appeared before me, the undersigned, a duly appointed and acting notary public within and for the Southern District of Indian Territory, Lucy Jemmerson, who having been by me first duly sworn testifies as follows:

Q What is your name, age, and post office address?

Answer. Lucy Jemmerson, about 52 years old, post office Ardmore, I.T

Q Are you the identical Lucy Jemmerson who on April 2, 1902, appeared before the Commission at Holy Cross, Mississippi, and there made application for identification as a Mississippi Choctaw?

A Yes.

Q What is your father's name?

A Joe Jemmerson.

Q Is he living or dead?

A Living.

Q Is he a full blood Choctaw?

A Yes.

Q What is your mother's name?

A Sallie .

Q Is she living or dead?

A Dead.

Q Is she a full blood Choctaw?

A Yes.

Q If in answer to the above interrogatories you state that you do not know your mother's name, have you a witness present who knew your mother; if so, what is the name of that witness?

Witness to mark:
90 John P. Johnson
Rena Davis/

her
Lucy X Jemmerson
mark

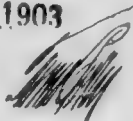
Subscribed and sworn to before me at Ardmore, Indian Territory, this 2nd day of May 1903.

John P. Johnson Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAY 6 1903



CHAIRMAN

U.S. DEPT. OF THE INTERIOR

U.S. DEPT. OF THE INTERIOR

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) ss:
SOUTHERN DISTRICT.)

On this 2nd day of May, 1903, personally appeared before me, the undersigned, a duly appointed and acting notary public within and for the Southern District of the Indian Territory, Rena Davis, who having been first duly sworn by me, deposes and says:

Q What is your name, age and post office address?

Answer. Rena Davis, about forty-five, Ardmore, I. T.

Q Are you acquainted with the applicant, Lucy Jimmerson?

A Yes.

Q How long have you known her?

A All her life.

Q Were you acquainted with her parents; if so, state their names?

A Yes - father Joe Jemmerson, mother Sallie.

Q Was the father of Lucy Jimmerson a full blood Choctaw?

A Yes.

Q Was the mother of Lucy Jimmerson a full blood Choctaw?

A Yes, full-blood.

Witness to mark
Chas. P. Johnson
J. Piffit

Red
Rena X Davis
mark

Subscribed and sworn to before me this 2nd day of May 1903, at Ardmore, Indian Territory.

Jena Piffit
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cow

-----o-----

In the matter of the application of Lucy Jimmerson for identification as a Mississippi Choctaw, M.C.R. 5178.

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 April 2, 1902, by Lucy Jimmerson 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 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 Lucy Jimmerson should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

JUL 21 1903


COMMISSIONER

ARDMORE; INDIAN TERRITORY. Feb. 17, 1903

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

You will please deliver to J. G. Halls, 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:

Admire
E. Tippit

Lucy X Jimmison
A. M. H.

W.C.R. 5178.

Waskogee, Indian Territory, April 8, 1903.

Lucy Jimmerson,

Ardmore, Indian Territory.

Dear Madam:

It appears from our records that on April 2, 1903, you made personal application to this Commission at Holy Cross, Mississippi, for identification as a Mississippi Choctaw. In your examination at that time, you stated that you were unable to give the name of your mother, and also failed to state whether or not she was a full blood Choctaw.

In order that the Commission may prepare a decision in your case, it is necessary that some positive evidence be supplied as to the name of your mother and the amount of Choctaw blood possessed by her.

For the purpose of obtaining this information in proper form, there are enclosed herewith two affidavits in interrogatory form to be executed by yourself and some other person familiar with the facts. You are requested to take these affidavits before a notary public, and when properly executed, return same to the Commission in the enclosed envelope.

53 2

This matter should receive immediate attention, as no further steps can be taken in the matter of your application for identification as a Mississippi Choctaw until the information requested is furnished.

Respectfully,

Env.

Chairman.

Enc B I 26-135.

W O R 5178

Muskogee, Indian Territory, May 6, 1903.

Incy Jimerson,
 Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit and that
of Rena Davis, in interrogatory form, entered in support of your
application for identification as a Mississippi Choctaw. The same
have been filed with the record in your case.

Respectfully,

Chairman

COPY, M.C.R. 5178

Muskogee, Indian Territory, July 21, 1903.

Lucy Jimmerson,

Ardmore, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 21, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat. 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before January 21, 1904, you will have six months from that date or until July 21, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation of Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED),

T. B. Needles.

Commissioner in Charge.

Registered.

Enc. 5178.

COPY,

M.C.R. 5178.

Muskogee, Indian Territory, July 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 July 21, 1903, identifying Lucy Jimmerson 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 this Commission such protest as you desire to make against the action of the Commission in identifying the said Lucy Jimmerson 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),

T. B. Needles

Commissioner in Charge.

Registered.

Enc. 5178

#1001

No. 5178

For Identification as a Mississippi Choctaw.

Holy Cross, Miss Date APR 2 1902

Name Lucy Jamerson

Age 50 Blood full.

Post Office, Holy Cross, Miss

Father: Joe Jamerson L

Ah Chick ma has been

Mother: Ho tah le mah d

Claims through

Children:

Father's father Ho yub lee d

Stenographer

R. I. Street

Choctaw MCR 5179

Jesse Thomas

See MCR 169

MCR 5179

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

--:--

In the matter of the application for the identification
of Jesse Thomas, as a Mississippi Choctaw, M.C.R. 5179.

-:-

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

--:--

In the matter of the application for the identification
of Jesse Thomas, as a Mississippi Choctaw, M.C.R. 5179.

-: I N D E X :-

	(Page)
Original application of Jesse Thomas, for identification as a Mississippi Choctaw,-----	1
Testimony of Jesse Thomas,-----	4
Decision of the Commission identifying Jesse Thomas,-----	5

-:-

a. p. 4. e. l.

579

Department of the Interior,
Commission to the Five Civilized Tribes,
Holy Cross, Mississippi, April 2, 1902.

In the matter of the application of Jesse Thomas for identification as a Mississippi Choctaw, represented by Joe Jimmerson.

Joe Jimmerson, 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 Joe Jimmerson.
- Q How old are you? A I don't know how old, about seventy or seventy five.
- Q What's your post office address? A Holy Cross, Neshoba County? A Mississippi? A Yes.
- Q Lived in Neshoba County all your life? A Born and raised in Newton County.
- Q You have lived in this State all your life? A Yes.
- Q You appeared before the Commission at Philadelphia last May? A Yes.
- Q Are you acquainted with a man by the name of Jesse Thomas? A Yes.
- Q Where does he live? A He lives with me.
- Q Is he a full blood Choctaw? A Yes.
- Q Is his post office address the same as yours? A Yes.
- Q Has he lived in Neshoba County all his life? A His daddy's been off raised way up yonder in Choctaw County, but he been here since about twenty years.
- Q He has lived in this State all his life? A Yes.
- Q How old is Jesse Thomas? A Maybe fifty or sixty years old.
- Q Well, do you know the name of his father? A Yes.
- Q What is his name? A Ah-yah-tah-yah.
- Q Do you know the name of his mother? A I can't think of his name. I know name mighty well, but I can't think.
- Q Were Jesse's parents older or younger than you? A Old as I am.
- Q Were they full blood Choctaws - all of his ancestors full blood Choctaws? A Yes.
- Q Always lived here in Mississippi? A Yes.
- Q Do you know the names of any of Jesse's grand parents?
- A I don't know.
- Q Has Jesse any children living? Under age and unmarried? A No.
- Q Is his wife living? A No, dead.
- Q Has no family with him? A Been single about ten years.

The records of the Commission show that on the 30th day of January, 1899, Jesse Thomas, appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of himself, and two minor children, Lucy and Lulu, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number, 159; also

Jesse Thomas, 2.

upon page 56 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands, in Indian Territory, under the 14th article of the Treaty of Dancing Rabbit Creek, being numbers 580, 581 and 582, respectively, thereon.

- Q You understand the 14th article of the treaty of Dancing Rabbit Creek, don't you? A Yes.
- Q Do you know whether any of the ancestors of this man, Jesse Thomas 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 it? A I reckon he must be there, but I don't know.
- Q Do you know whether his father ever got any land under this 14th article of the treaty of Dancing Rabbit Creek? A No, didn't get any land, but somebody give him piece of paper called scrip for to carry him out to the Territory, and they would give him the money.
- Q Did any of Jesse's folks get any of this paper? A No, his daddy got some, but it wasn't scrip to get land.
- Q Do you know where he got this scrip? A No, something over fifty years ago.
- Q Do you remember when some Commissioners were down here - Oh! it's been between fifty and sixty years ago - and heard Choctaw claims under this 14th article? A Yes, I was there, but it was Yazoo Village; it was another place.
- Q Do you know whether Jesse Thomas appeared before these commissioners there that time? A I don't know; never have been in this county much.
- Q Do you know the names of any of Jesse's father's brothers or sisters? A Yes, Ma-ha.
- Q Do you know any more? A Te-hin-cubbee, Ah-ne-tomby.
- Q Are you sure that Jesse's father never got any land from the Government under this 14th article of the treaty? A No, I don't know.
- Q Did his father go out to Arkansas? A Jesse's father's mother went out there and got money for all the children.
- Q What was her name? A Em-mis-a-ha-ka.
- Q How long did she stay out there? A About three months.
- Q When did she go out there? A About fifty years ago.
- Q And she got money from the Government out there? A Yes.
- Q But never did get any land any where? A No.
- Q You are sure she never got any land scrip either? A Yes.
- Q Do you know of any one living who would likely know more about this matter than you do or any old person? A Don't know of any.
- Q Has Jesse any brothers living? A I heard that he has a brother living at Shubuta.
- Q What's his name? A Elijah Thomas.
- Q Has Jesse any sisters living? A No, sir, dead.

(The Commission has just called upon Jesse Thomas at his home near Holy Cross, Washoba County; he positively refuses to make any application; he has the appearance of being a full blood Indian; speaks and understands the Choctaw language and some English.)

Jesse Thomas, 4.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 2nd day of April, 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 Coles, Mississippi, this 10th day of April, 1902.

L. B. Mosley

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

By

J. M. ...

Deputy.

To be filed with M C R 5179x

Department of the Interior.
Commission to the Five Civilized Tribes.

--o--
Philadelphia, Washoba County, Miss., Monday, January 30, 1899.

--o--
Applications for identification as Mississippi Choctaws.
--o--

Jesse Thomas, the applicant, states: I am 53 years old, and a full blood Choctaw. My wife is dead. I have two children, Lucy 15; and Lulu, 13 years old.

--o--

Harry O Risteen, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, upon his oath states: That the above and foregoing is a full, true and correct copy of the proceedings had in the matter of the application of Jesse Thomas, et al/ for identification as Mississippi Choctaws, at Philadelphia, Mississippi/ on January 30, 1899, as appears upon the records of the Commission.

Harry Risteen

Subscribed and sworn to before me this 17 day of February 1903.

Charles H Sawyer

Notary Public.

b

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

---:---

In the matter of the application for the identification of Jesse Thomas, as a Mississippi Choctaw, M.C.R. 5179.

-: 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 April 2, 1902, by Joe Jimmerson, for Jesse Thomas, 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."

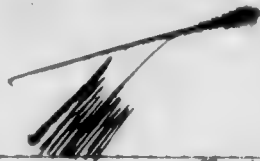
From the evidence submitted in support of said application it appears that the applicant is a full-blood Mississippi Choctaw Indian.

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 Jesse Thomas, 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

MERIDIAN, MISSISSIPPI, September 30, 1903.

Jesse Thomas,

Holy Cross, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on April 2, 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

Meridian, Mississippi, November 25, 1903.

Jesse Thomas,

Holy Cross, Mississippi.

Dear Sir-

Under date of September 30, 1903, the following letter was written to you:

It appears from the records of the Commission that on April 2, 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 60.

Special Agent.

M.C.R. 5179

COPY.

Muskogee, Indian Territory, May 20, 1904.

Jesse Thomas,

Holy Cross, 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., 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 Commission at Ateka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

T. D. Hodges

Commissioner in Charge.

Registered.

Inc. MCR 5179.

COPY.

Muskogee, Indian Territory, May 20, 1904.

Joe Jimmerson,
Armore, Indian Territory,

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on May 20, 1904, rendered its decision identifying Jesse Thomas 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 Fishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

T. B. Woodcock
Commissioner in Charge.

M.C.R. 5179

COPY.

Muskogee, Indian Territory, May 20, 1904.

Mansfield, McMurray & Gernish,
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 Jesse Thomas as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1903 (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 Jesse Thomas 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 5179.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCÉE, IND. TER.



For Identification as a Mississippi Choctaw.

Holy Cross, Miss.

Date APR 2 1902

Name *Jesse Thomas*

Age *50* Blood *Full*

Post Office, *Holy Cross, Miss.*

Father: *Ah-wah-tah-yah d*

Mother: *don't know d*

Claims through

For self only

Children:

Mrs. (Pho) a d (No. 169)

Stenographer

R. S. Street

Choctaw MCR 5180

Sam Shotubbee

MCR 5180

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

-oOo-

In the matter of the application for the identification of
Sam Shotubbee, et al., as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application for
the identification of Sam Shotubbee, et al., as Mississippi
Choctaws, M.C.R. 5180.

-oOo-

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

-oOo-

In the matter of the application for the identification of
Sam Shotubbee, et al., as Mississippi Choctaws, M.C.R. 5180.

--: I N D E X :--

	(Page)
Original application of Sam Shotubbee, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission identifying Sam Shotubbee, et al., as Mississippi Choctaws-----	5

-oOo-

5/80

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Seale, Mississippi, April 3rd, 1902.

In the matter of the application of Sam Shotubbee for the identification of himself, his wife Ok-lah-to-nah and five minor children, Hotamah, Lena, Fed, Adam, Im-ah-lah-tubbee, as Mississippi Choctaws, represented by Teach Jacob.

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 Fifty-five.
- Q What's your postoffice address? A Coffadelliah.
- Q Are you a full blood Choctaw Indian? A Yes.
- Q How long have you lived in Mississippi? A All my life.
- Q Are you acquainted with a man by the name of Sam Shotubbee?
- A Yes.
- Q How long have you known him? A I know him all his life.
- Q Is he a full blood Choctaw? A yes.
- Q About how old is he? A Might be thirty-two.
- Q What would probably be his postoffice address? A Mardi, I think.
- Q He lives in Kemper County, does he? A Yes.
- Q Has he lived here in Mississippi all his life? A Yes.
- Q Is his father living? A Dead.
- Q What was his name? A Shotubbee.
- Q Did he have any other name? A That's all I know.
- Q Do you know the name of his father or his mother? A Yes, I know his father's name.
- Q What was his father's name? A Filemo--he would be over one-hundred years old if he were living now.
- Q Is Sam's mother living? A Dead.
- Q What was her name? A I don't know.
- Q Do you know the name of either one of her parents? A Sam's mother's father was Hontubbee.
- Q About how old would Hontubbee be if he were living now? A I don't know.
- Q Have all of Sam's ancestors been full blood Choctaws as far as you know? A Yes.
- Q And they have all lived here in Mississippi, have they?
- A yes.
- Q Is Sam married? A yes.
- Q Is his wife living? A yes.
- Q What's her name? A Ok-lah-to-nah.
- Q Are she and Sam living together now? A Yes.
- Q Is she a full blood Choctaw? A yes.
- Q About how old is she? A About thirty.
- Q Is her father living? A Dead.
- Q What was his name? A I-ah-tan-bee.
- Q Is her mother living? A Dead.
- Q What was her name? A I don't know.
- Q Do you know the name of any one of Sam's wife's grandparents?
- A Yes, I know the name of his wife's father's father.
- Q What was his name? A Ho-pa-ca-tubbee.
- Q About how old would he be if he were living now? A Something

Sam Shotubbee et al--2

- over one-hundred years old--he was an old man when he died.
- Q So far as you know, have all of Sam's wife's ancestors been full blood Choctaws? A Yes.
- Q Did they always live in Mississippi? A Yes.
- Q Has Sam any children living with him? A Yes.
- Q How many? A Five.
- Q What are their names and ages? A Ho-te-mah.
- Q How old? A About fourteen.
- Q Next one? A Lena-about twelve.
- Q Next one? A Fed.
- Q Is that a boy? A Yes.
- Q How old? A About eight.
- Q Next one? A Adam-about four.
- Q Next one? A Im-ah-lah-tubbee; eight months old.
- Q Are these children all the children of Sam and Ok-lah-to-nah? A Yes.
- Q Have they any other children living with them? A No.
- Q Any old folks? A No.
- Q How long has Sam and this woman been living together? A About twenty years.
- Q Was Sam married before he married her? A No.
- Q Was she married before she married Sam? A Yes.
- Q Did she have any children by her first husband? A No.
- Q You have heretofore appeared before the Commission and made application in your own behalf, have you not? A Yes.
- Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you not? A Yes.
- Q Do you know whether any of the ancestors of Sam Shotubbee or his wife, Ok-lah-to-nah, 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 whether any of them lived here when this treaty was made, 71 years ago? A I don't know.
- Q Do you know whether any of them moved to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A If they did I don't know.
- Q Do you know whether 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 Do you know whether any of them ever got any land 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 appear before any of the Commissioners appointed under the acts of Congress of March 3, 1837, February 22, 1838, or August 23, 1842, and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A 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 I don't know.
- Q Do you know of any old person living who would likely know whether any of the ancestors of Sam Shotubbee 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 I don't know of anyone.

Sam Shotubbee et al--3

- 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 Has Sam any brothers living? A No,all dead.
- Q Did any of them leave children? A No.
- Q Has Sam any sisters living? A No.
- Q Did any of his sisters leave children? A Yes,just leave one children.
- Q What's the name of that sister who left a child? A I don,t know.
- Q What's the name of the child? A Fannie Noah,the wife of Clem Noah.
- Q Did old Shotubbee ever have any brothers or sisters? A Yes, he had some brothers--Cousin was his brother.
- Q Is that all the brothers he had? A Yes,that's all.
- Q How many children has Cousin living? A Three.
- Q What are their names? A Madison,Hollis and Jim. Sho-tubbee had a sister who married a man by the name of Sam Hickman,a white man.
- Q What was this sister's name? A I don,t know.
- Q Are any of her children living? A Yes,Jennie Thompson,the mother of Isom Thompson.
- Q Did Sam's mother ever have any brothers or sisters that you know of? A No,all dead.
- Q Did any of them leave children? A Yes,one sister left a child who's now living--his name is Jimson Ben.
- Q Did Sam's wife ever have any brothers or sisters? A Yes,one sister.
- Q Is she living? A yes.
- Q What's her name? A I cant think of it.
- Q Is she married? A Yes,she's the wife of Cooksey Vaughn.

It is apparent from the testimony of Teach Jacob that Sam Sho-tubbee and his wife are full blood Choctaws living in Kemper County, Mississippi; that they have living with them five minor children. On the 22nd of March last subpoena was served on Sam Shotubbee to appear forthwith before the Commission-that he failed to do so and notified the officer serving the subpoena that he would not appear before the Commission. Owing to the distance of his residence from the camp and the extremely high water, it is not practicable to visit him for the purpose of securing his application. As far as the records of the Commission show, no application of any kind has ever been made in behalf of himself or any of the members of his family.

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/April 3rd, 1902, and that the above and foregoing is a full true and corre ct transcript of his stenographic notes taken in said proceedings on said date.

3
Ira S. Niles
Subscribed and sworn to before me this the 9th day of April, 1902,

at Toles, Mississippi.

L. B. Mason
Clerk U.S. District Court, Southern
District of Mississippi

By

[Signature]

Deputy.

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

-eOo-

In the matter of the application for the identification of Sam Shotubbee, et al., as Mississippi Choctaws, M.C.R. 5180.

---: 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 3, 1902, by Teach Jacob, for Sam Shotubbee, his wife, Ok-lah-to-nah Shotubbee, and his five minor children, Hotemah, Lena, Fed, Adam and Im-ah-lah-tubbee Shotubbee, 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

(2)

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 Sam Shotubbee, Ok-lah-to-nah Shotubbee, Hotemah Shotubbee, Lena Shotubbee, Fed Shotubbee, Adam Shotubbee and Im-ah-lah-tubbee Shotubbee 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 -5 1904

Meridian, Mississippi, September 23th, 1903

Sam Shetubbee

Mardis, Mississippi.

Dear Sir:

It appears from the records of the Commission that on April 3rd, 1902, a application was made for the identification of your self 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

Meridian, Mississippi, November 24, 1903.

Sam (Photocopy)

Mardis, Mississippi.

Dear Sir-

Under date of September 28, 1903, the following letter was written to you:

It appears from the records of the Commission that on April 3rd, 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 further 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 48

Special Agent.

M.C.R. 5180.

COPY.

Muskogee, Indian Territory, May 5, 1904.

Sam Shotubbee,

Mardis, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 5, 1904, identifying you, your wife Ok-lah-to-nah Shotubbee, and children Hotemah Shotubbee, Lena Shotubbee, Fed Shotubbee, Adam Shotubbee and Im-ah-lah-tubbee Shotubbee 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 themselves of the benefits of such identification, the persons so identified must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(NEB)

Registered.

Enc. MCR 5180.

Commissioner in Charge.

M.C.R. 5180

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 Sam Shotubbee, Ok-lah-to-nah Shotubbee, Hotenah Shotubbee, Lena Shotubbee, Fed Shotubbee, Adam Shotubbee and Im-ah-lah-tubbee Shotubbee 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, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file protest within the time allowed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Registered.

Enc. MCR 5180.

T. B. Needles.

Commissioner in Charge.

(See MCR 5207 for registry receipt for this letter).

73

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM O. BEALL,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5180

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskegee, Indian Territory, May 5, 1904.

Teach Jacob,


Coffadelliah, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 5, 1904, rendered its decision identifying Sam Shotubbee, Ok-lah-to-nah Shotubbee, Hotemah Shotubbee, Lena Shotubbee, Fed Shotubbee, Adam Shotubbee and Im-ah-lah-tubbee Shotubbee as Mississippi Choctaws, 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 themselves of the benefits of such identification, the persons so identified must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,



Commissioner in Charge.

#1958

No. 5180

For Identification as a Mississippi Choctaw.

State Miss.

Date APR 3 1902

Name Sam Shotubbee
Race Black
Age 32
Blood full

Post Office, Nardis, Miss.

Father: Shotubbee d

Mother: dont. know d

Claims through

wife Ok-lah-to-nah (full) 30 d

Father I-ah-tah-bee d

Mother dont. know d

Forself, wife and 5 children

Children:

Notemah Shotubbee (F) 14

Leña " (F) 12

Fed " (M) 8

Adam " " 4

Im-ah-lah-tubbee " " 8 mo

Stenographer

J. A. Niles



DEPARTMENT OF AGRICULTURE
COMMISSION TO THE ...
FILED

SEP 10 1904

[Handwritten signature]



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, INDIAN TERRITORY.

General Office--M.C.R.

5180

Advising that before persons can avail themselves of the benefits of identification it will be necessary to make settlement in the Choctaw-Chick county or before Nov. 5, 1904.

Returned to writer

Teach Jacob,

Cottadellah, Mississippi.



Department of the Interior.

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

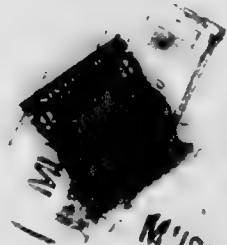
*MCR
5-180*

no such office

1257

Sam Shotubbee,

Mardis, Mississippi.



MUSKOGEE, IND. TER.
MAY 7 1904
REGISTERED

Choctaw MCR 5181

Johnson Bell

See MCR 5028

MCR 5181

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

-oOo-

In the matter of the application for the identification of
Johnson Bell, et al., as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application for
the identification of Johnson Bell, et al., as Mississippi
Choctaws, M.C.R. 5181.

-oOo-

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

-oOo-

In the matter of the application for the identification of
Johnson Bell, et al., as Mississippi Choctaws, M.C.R. 5181.

--: I N D E X :--

	(Page)
Original application for the identification of Johnson Bell, et al., as Mississippi Choctaws-----	1
Decision of the Commission identifying said Susanne Bell as a Mississippi Choctaw-----	4

-oOo-

5751

Ident wife

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Seale, Mississippi, April 3rd, 1902.

In the matter of the application of Johnson Bell for the identification of himself, his wife Susanne and five minor children, Malinda, Lige, Joe, James and -----, as Mississippi Choctaws, represented by Teach Jacob.

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 Fifty-five.
- Q What's your postoffice address? A Coffadeliash.
- Q Are you a full blood Choctaw Indian? A Yes.
- Q How long have you lived in Mississippi? A All my life.
- Q Are you acquainted with a man by the name of Johnson Bell? A Yes.
- Q How long have you known him? A About twenty years.
- Q Has he lived here in Mississippi all his life? A Yes.
- Q Where does he live now? A Washoba County, right near the Kemper County line.
- Q What would probably be his postoffice address? A Coffadeliash, I spect.
- Q In what County do you live? A In Kemper.
- Q How far do you live from Johnson? A About a mile.
- Q Is he any kin to you? A Yes, he's a half brother of my wife.
- Q How much Choctaw blood has Johnson? A Seven-eighths--his father is three quarters.
- Q About how old is Johnson? A About thirty.
- Q Is his father living? A Yes.
- Q What's his name? A Elan Bell.
- Q He has appeared before the Commission here at Seale, hasn't he? A Yes.
- Q Is Johnson's mother living? A No, she's dead.
- Q What was her name? A I don't know.
- Q Was she a full blood Choctaw? A I think so.
- Q Elan, then, is a three-quarter blood, is he? A Yes.
- Q Do you know the names of Johnson's mother's father or mother? A No, I don't know either of them.
- Q As far as you know, have Johnson's ancestors always lived here in Mississippi? A Yes.
- Q Is Johnson married? A Yes.
- Q Wife living? A Yes.
- Q What's her name? A Susanne.
- Q Is she a full blood Choctaw? A Yes.
- Q Has she lived here in Mississippi all her life? A Yes.
- Q Is she living with Johnson now? A Yes.
- Q About how old is she? A About the same age as Johnson.
- Q How long have they been living together? A About fifteen or sixteen years.
- Q Were they married under a license or according to Choctaw custom? A Choctaw.

- Q Was Johnson married before he married Susanne? A No.
- Q Was she married before she married him? A Yes, she was married before that.
- Q Did she have any children by her other husband? A No.
- Q Is Susanne's father living? A Dead.
- Q What was his name? A Farbus Frazier.
- Q Is Susanne's mother living? A yes.
- Q What's her name? A Mary Frazier.
- Q Does she live here in Neshoba County? A Yes.
- Q Full blood Choctaw? A yes.
- Q Do you know the names of any of Susanne's grandparents? A No.
- Q As far as you know, have all of her ancestors always lived here in Mississippi? A Yes.
- Q All been full blood Choctaws? A yes.
- Q Has Susanne and Johnson any children living? A Yes, five.
- Q What are their names and ages? A Malinda, about fourteen.
- Q next? A Lige, about twelve.
- Q next? A Joe, about eleven.
- Q Next? A James.
- Q Boy? A Yes.
- Q How old? A About eight.
- Q next? A A little girl about five years old--I don't know her name.
- Q Are these five children living with them now? A Yes.
- Q Have they any other children living in their family? A No.
- Q Any old folks? A No.
- Q Are these five children all the children of Johnson and Susanne? A yes.
- Q You have heretofore appeared before the Commission and made application in your own behalf, have you not? A Yes.
- Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you not? A Yes.
- Q Do you know whether any of the ancestors of Johnson or his wife, Susanne, 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 lived here when this treaty was made, 71 years ago? A I don't know.
- Q Do you know whether any of them moved to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A If they did I don't know.
- Q Do you know whether 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 Do you know whether any of them ever got any land 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 appear before any of the Commissioners appointed under the acts of Congress of March 3, 1837, February 22, 1838, or August 23, 1842, and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A 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 I don't know.

Johnson Bell et al---3

Q Do you know of any old person living who would likely know whether any of the ancestors of Johnson Bell or his wife, Susanne, 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 I don't know.

From the testimony of Teach Jacob, who bears the reputation of being a thoroughly reliable and trustworthy Indian, there can be no doubt that Johnson Bell and his wife Susanne are Choctaw Indians, the former being seven-eighth Choctaw and the latter a full blood and that they have living with them at this time five minor children. Johnson Bell lives within two miles of the camp of the Commission and he has known for three weeks of our presence at this place. He has always refused to appear before the Commission and has, it appears from information received by the Commission, been instrumental in keeping numerous other Choctaws living in this settlement from appearing before us. He was on Friday, March 28th last, served with a subpoena to appear forthwith before the Commission, which he failed to do. The records of the Commission fail to disclose that any application of any description has ever been made for him or any of the members of his family. Special reference is hereby made to the testimony of his father, Klan Bell, given before the Commission at Seale, Mississippi, on the 21st day of March, 1902.

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, April 3rd, 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 9th day of April, 1902,
at Teles, 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.

-oOo-

In the matter of the application for the identification of Johnson Bell, et al., as Mississippi Choctaws, M.C.R. 5181.

---: 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 3, 1902, by Teach Jacob for Johnson Bell, his wife, Susanne Bell, and his four minor children, Malinda, Lige, Joe and Jamus 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 Susanne 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 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:

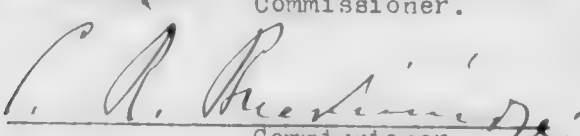
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants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

AUG 12 1904

Meridian Mississippi, September 28th 1903

Johnson Bell

Coffedelliah, Mississippi

Dear Sir:-

It appears from the records of the Commission that on April 3rd, 1903, application was made for the identification of yourself and family as Mississippi Choctaws.

I do not 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 AM and 6 PM.

Very respectfully,

Special Agent

File No 44
M C R 5181

Meridian, Mississippi, November 24, 1903.

Johnson Bell,

Gorradellah, Mississippi.

Dear Sir-

Under date of September 26, 1903, the following letter was written to you:

It appears from the records of the Commission that on April 3, 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,

M C R 5181

Muskogee, Indian Territory, March 30, 1904.

Johnson Bell,

Mardis, Mississippi.

Dear Sir:

It appears from the records of the Commission that on April 3, 1902, Teach Jacob appeared before this Commission at Seale, Mississippi, and made application for your, your wife, and five minor children, as Mississippi Choctaws. Teach Jacob was, at that time, unable to give the name of one of said children, and in order to secure this information in proper form there is enclosed you herewith an affidavit in interrogatory form, which you are directed 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 for until this information is received no further action can be taken in your case.

Respectfully,

Enc. JD 2-30

Commissioner in Charge.

M. C. R. 5181

COPY:

Muskogee, Indian Territory, August 12, 1904.

Susanne Bell,

Coffadellish, Mississippi,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 12, 1904, identifying you as a Mississippi Choctaw, under the provisions 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 February 12, 1905, and must make proof of such removal and settlement on or before August 12, 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. M. C. R. 5181.

COPY

Muskogee, Indian Territory, August 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 August 12, 1904, identifying Susanne Bell 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 notified that you will be allowed fifteen days from the date of this notice within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Susanne Bell 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)

T. B. Needles.

Commissioner in Charge.

Registered.
Incl. M.C.R. 5181

M.C.R. 5181

COPY.

Muskogee, Indian Territory, September 16, 1904.

Johnson Bell,

Ceffadelliah, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision, refusing the application for identification as Mississippi Choctaws of yourself, and minor children, Malinda Bell, Lige Bell, Joe Bell, James Bell and the child whose name is not disclosed.

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)

Tame Bixby.

Chairman.

Registered.

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 TO FILE IN THE FOLLOWING:
M.C.R. 5181

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

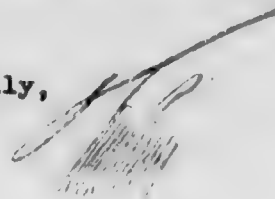
Muskogee, Indian Territory, March 9, 1905.

Johnson Bell,
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 minor children, Malinda Bell, Lige Bell, Joe Bell, Janus Bell, and the child whose name is not disclosed, as Mississippi Choctaws, included in the consolidated case of Klan Bell et al., of which decision you were advised by registered mail on the 16th day of September, 1904.

Respectfully,



Chairman.

1969

No. 5181

For Identification as a Mississippi Choctaw.

Seale, Miss. Date APR 3 1902

Name Johnson Bell
by Frank Jacob
Age 30 Blood 7/8

Post Office, Coftadeliok, Miss.

Father: Elan Bell (3/4) L

Mother: don't know (full) d

Claims through
wife Susanne Bell (full) 30
Father Farbus Fryder L
Mother Mary " L
Fu

Children:

Malinda Bell	14
Lige	" 12
Joe	" 11
Jamus	" (M) 8
_____	" 5 F

Stenographer

J. J. Niles

MEMORANDUM.

M.C.P., Case No. 5181

Date JAN 16, 1906

Name

Bell

~~Age~~

~~Post Office:~~

Rambo

~~Children:~~

~~Stenographer~~

FILED
JUN -3 1905
COMMISSION TO FIVE TRIBES.



FILED
JUN 30 1905
COMMISSION TO FIVE TRIBE

RECEIVED
JUN 30 1905
COMMISSION TO FIVE TRIBE

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCHEE, IND. TER.

135-90
10851

REGISTERED
SEP 29 1904
MUSKOCHEE, IND. TER.



Johnson Bell,

Coffadeliah, Mississippi.

Choctaw MCR 5182

Cornelius Bell

See MCR 5028

MCR 5182

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

-oOo-

In the matter of the application for the identification of
Cornelius Bell, et al., as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application for
the identification of Cornelius Bell, et al., as Mississippi
Choctaws, M.C.R. 5182.

-oOo-

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

-oOo-

In the matter of the application for the identification of
Cornelius Bell, et al., as Mississippi Choctaws, M.C.R. 5182.

--: I N D E X :--

	(Page)
Original application of Cornelius Bell, et al., to the Dawes Commission for identifi- cation as Mississippi Choctaws-----	1
Decision of the Commission identifying Sallie Bell as a Mississippi Choctaw-----	4

-oOo-

5182

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Beale, Mississippi, April 3rd, 1902.

In the matter of the application of Cornelius Bell for the identification of himself and his wife, Sallie, as Mississippi Choctaws, represented by Teach Jacob.

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 Fifty-five.
Q What's your postoffice address? A Coffadelliah.
Q Are you a full blood Choctaw Indian? A Yes.
Q How long have you lived in Mississippi? A All my life.
Q Are you acquainted with a man by the name of Cornelius Bell? A Yes.
Q How long have you known him? A About twenty-seven years.
Q Is he any relation to you? A A full brother of my wife.
Q About how old is Cornelius? A About forty.
Q How much Choctaw blood has he? A Seven-eighths, I reckon.
Q Where does he live? A Kemper--about a quarter of a mile from me.
Q What would be his postoffice address? A Coffadelliah, I think.
Q Has he lived here in Mississippi all his life? A Yes.
Q Is his father living? A Yes.
Q What's his name? A Elan Bell.
Q Is his mother living? A No.
Q What was her name? A Bessie.
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 That's all the name I ever heard.
Q Do you know the names of her parents? A I don't know.
Q Is Cornelius married? A Yes.
Q Is his wife living? A Yes.
Q What's her name? A Sallie.
Q Is she a full blood Choctaw? A Yes.
Q About how old? A About thirty.
Q Is she living with Cornelius now? A Yes.
Q Was Cornelius ever married before he married her? A Yes, his wife died.
Q Did he have any children by her? A No.
Q Was Sallie ever married before she married Cornelius? A Yes.
Q Did she have any children by her first husband? A Yes, two.
Q Are they living now? A Yes.
Q Is her first husband living? A Yes.
Q What's his name? A Tom Noah.
Q Do these children live with Sallie or with Tom Noah? A Tom Noah.
Q Has he been before the Commission this month and made application for himself and these children, hasn't he? A Yes.
Q How long did Sallie and Tom Noah live together? A About seven years.

- Q Is Tom a full blood? A Yes.
- Q Were they married under a license or according to Choctaw custom?
A Choctaw.
- Q How long has she been living with Cornelius? A About six years.
- Q Were they married under a license or according to Choctaw custom?
A Choctaw.
- Q Is Sallie's father living? A No, dead long time.
- Q What was his name? A Wallace.
- Q Did he have any other name? A That's all I know.
- Q Was he a full blood Choctaw? A Yes.
- Q Did he live in Mississippi all his life? A He went to the Territory and stayed a while and come back.
- Q How long did he live in Indian Territory? A About two or three years I reckon.
- Q When did he go out there? A At the time all the Choctaws moved out there.
- Q Do you know the names of his parents? A I don't know.
- Q Is Sallie's mother living? A Dead.
- Q What was her name? A Sittie.
- Q Was she a full blood Choctaw? A Yes.
- Q Live here in Mississippi all her life? A Yes.
- Q Did she have any other name? A No.
- Q Do you know the names of her parents? A I don't know their names.
- Q So far as you know, have all of Sallie's ancestors been full blood Choctaws? A Yes.
- Q Always live in Mississippi? A Yes.
- Q Have Sallie and Cornelius any children living? A No.
- Q Have they any children living with them? A No.
- Q Any old folks? A They live with Elan Bell and his wife.
- Q You have heretofore appeared before the Commission and made application in your own behalf, have you not? A Yes.
- Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you not? A Yes.
- Q Do you know whether any of the ancestors of Cornelius or his wife Sallie, ever complied or attempted to comply with the provisions of the 14th article of the ~~tax~~ treaty of Dancing Rabbit Creek or ever received any benefits under that article? A I don't know.
- Q Do you know whether any of them lived here when this treaty was made, 71 years ago? A I don't know.
- Q Do you know whether any of them moved to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A If they did I don't know.
- Q Do you know whether 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 Do you know whether any of them ever got any land 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 appear before any of the Commissioners appointed under the acts of Congress of March 3, 1837, February 22, 1838, 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.

Cornelius Bell et al--3

Q Did any of them ever get any scrip from the Government of the United States under the act of Congress approved August 23, 1842?

A I don't know.

Q Do you know of any old person living who would likely know whether any of the ancestors of Cornelius Bell 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 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 Has Sallie any brothers living? A Yes.

Q How many? A Two.

Q What are their names? A Lewis Wallace and Comby Wallace.

Cornelius Bell, for whom this application is made, lives within three miles of the camp of the Commission and has known for three weeks of our presence at this place. He has been notified to appear before us and was on the 23rd of March last served with a subpoena to appear before the Commission forthwith, which he failed to do. He has always refused to make any application to the Commission. There can be no doubt, from the testimony of Teach Jacob, that he is a seven-eighths blood Choctaw Indian and that his wife, Sallie, is a full blood. They live within a quarter of a mile of Teach Jacob who is a brother-in-law of Cornelius Bell. Special reference is hereby made to the testimony of Elan Bell, the father of the applicant, given before the Commission on the 21st day of March, 1902.

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, April 3rd, 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 9th day of April, 1902, at Teles, Mississippi.

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

R. *J. Smith*

Deputy.

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

-cOo-

In the matter of the application for the identification of
Cornelius Bell, et al., as Mississippi Choctaws, M.C.R. 5182.

---: 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 3, 1902, by Teach Jacob, for Cornelius Bell and his wife,
Sallie 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 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 Sallie Bell is a full-blood Mississippi Choctaw
Indian. The principal applicant is a mixed-blood Choctaw, and as
such does not come within the purview of Section forty-one of the
act of Congress approved July 1, 1902 (32 Stats., 641). Whatever
rights as a Mississippi Choctaw he may possess by reason of being a

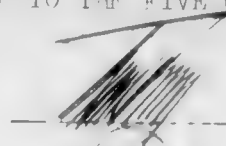
mixed blood Choctaw will be determined at a later date.

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 Sallie 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,

Commissioner.

Meridian, Mississippi, September 26, 1903

Cornelius Bell,
Coffadelliah, Mississippi.

Dear Sir-

It appears from the records of the Commission that on April 3, 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 possible 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. 43
M C R 6182

Special Agent.

Meridian, Mississippi, November 24, 1903.

Cornelius Bell,

Coffadelliah, Mississippi.

Dear Sir-

Under date of September 26, 1903, the following letter was written to you:

It appears from the records of the Commission that on April 3, 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 1/2 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. 5182

Muskogee, Indian Territory, May 5, 1904.

Sallie Bell,

Coffadelliah, Mississippi,

Dear Madam:

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

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Registered.

Commissioner in Charge.

Enc. MCR 5182.

M.C.R. 5182
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 Sallie Bell 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 Sallie Bell as a Mississippi Choctaw, and make satisfactory proof of service of such protest upon the applicant herein. If you fail to file such 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. McCallister
Commissioner in Charge.

Registered.

Enc. MCR 5182.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM O. BEALL,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING
M.C.R. 5182

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
Muskogee, Indian Territory, May 5, 1904.

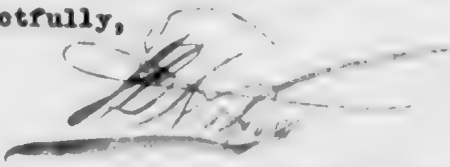
Teach Jacob,
Coffadeliah, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 5, 1904, rendered its decision identifying Sallie 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, in order to avail herself of the benefits of such identification, the person so identified must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,



Commissioner in Charge.

M.C.R. 5182

COPIE

Muskogee, Indian Territory, September 16, 1904.

Cornelius Bell,
Coffaqualiah, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision, refusing your application for identification as a Mississippi Choctaw.

You are further 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

Tamc Bixby.

Chairman.

Registered.

W. O. B.

COMMISSIONERS:
TAMM BIXBY,
THOMAS S. NEEDLES,
C. E. BECKINRIDGE.

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

WM. O. BEALL,
Secretary.

NUMBER IN REPLY TO THE FOLLOWING:
M. C. R. 5182

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 9, 1905.

Cornelius Bell,
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 your identification as a Mississippi Choctaw, 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.

#1960

No. 5182

For Identification as a Mississippi Choctaw.

Seale Miss

Date APR 3 1932

Name Cornelius Bell

Age 40 Blood 7/8

Post Office, Coffadeliak, Miss.

Father: Elan Bell L

Mother: Pessie " d

(Claims through

wife Sallie Bell (Gule) 30

Father Sittie Wallace d

Mother " " d

Children:

Stenographer

A. J. Niles

PAID
JUN 30 1905
U.S. DEPARTMENT OF AGRICULTURE

1001

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

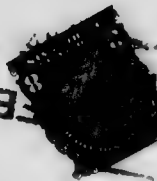
135-88

10857

Cornelius Bell,

Coffadelliah, Mississippi.

REGISTERED
SEP 20 1904
MUSKOGEE, IND. TER.



FILED
JUN - 3 1905
COMMISSION TO LIVE ETC.

SCOTT
MISS.
JUN 3 1905
REC'D

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

SEP 20 1904

A handwritten signature in dark ink, appearing to be 'S. M. ...', is written over the date stamp.

CHAIRMAN

Department of the Interior.

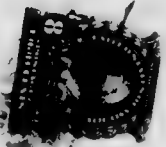
Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Wm

12182 / 11196

MUSKOGEE, IND. TER.
MAY 7 1894



Return to the

Sallie Bell,

Coffabelah, Mississippi.

MUSKOGEE, IND. TER.
MAY 7 1894
REGISTERED

Wm

MISSISSIPPI
1904

DEKALB, MISS.
RECEIVED
SEP 6 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION FOR THE CIVILIZED TRIBES
FILED

SEP - 6 1904

[Handwritten signature]

Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.



Returned to writer

Teach Jacob,

Coffadeliah, Mississippi.

W. C. R. 5182

Admission to the Five Civilized Tribes Commission to the Five Civilized Tribes, Muskogee, Ind. Ter. May 6, 1904.



Choctaw MCR 5183

Jimman Bell

See MCR 5028

MCR 5183

5153

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Seale, Mississippi, April 3d, 1902.

In the matter of the application of Jimman Bell for identification as a Mississippi Choctaw, represented by Teach Jacob.

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 Fifty-five.
Q What's your postoffice address? A Coffadelliah.
Q Are you a full blood Choctaw Indian? A Yes.
Q How long have you lived in Mississippi? A All my life.
Q Are you acquainted with a man by the name of Jimman Bell? A Yes
Q How long have you known him? A All his life.
Q Is he any kin to you? A He's a full brother of my wife.
Q About how old a man is he? A About thirty-five I reckon.
Q How much Choctaw blood has he? A Seven-eighths I reckon.
Q What's his postoffice address? A Coffadelliah.
Q Does he live in Kemper County? A Yes.
Q How far does he live from you? A About a quarter I reckon.
Q Has he lived in Mississippi all his life? A Yes.
Q Is his father living? A Yes.
Q What's his name? A Klan Bell.
Q Is his mother living? A Dead.
Q What was her name? A Bessie.
Q Is Jimman married? A No--he aint got no wife living.
Q Has he any children living? A No.
Q Is anyone living with him at all? A His half sister is living with him.
Q What's her name? A Ailsey Amos--she's a widow, and her son Boston.
Q Is that all the people who live with Jimman? A No--an old man lives with him--Tishman.
Q Has he any other name? A No--that's Ailsey's uncle.
Q You have heretofore appeared before the Commission and made application in your own behalf, have you not? A Yes.
Q You understand the 14th article of the treaty of Dancing Rabbit Creek do you not? A Yes.
Q Do you know whether any of the ancestors of Jimman 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 whether any of them lived here when this treaty was made, 71 years ago? A I don't know.
Q Do you know whether any of them moved to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A If they did I don't know.
Q Do you know whether 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 State and take land? A I don't know.

Jimman Bell--2

Q Do you know whether any of them ever got any land 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 appear before any of the Commissioners appointed under the acts of Congress of March 3, 1837, February 22, 1838 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.

Q Did any of them ever get any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of 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 I don't know.

From the testimony of Teach Jacob and other information received by the Commission there can be no doubt that Jimman Bell is seven-eighths Choctaw Indian and lives in Kemper County, Mississippi. He has no wife or children living. He lives within three miles of the camp of the Commission and has known for three weeks of our presence at this place and has refused to appear before us. A subpoena has been issued for him but he has eluded the officer. So far as the records of the Commission show, no application of any kind has ever been made for him for the purpose of establishing his rights as a Choctaw Indian. Special reference is hereby made to the testimony of Elan Bell, his father, taken before the Commission on the 31st day of March last and to the testimony of Teach Jacob taken on this date in the matter of the application of Cornelius Bell and family for identification as Mississippi Choctaws.

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, April 3d, 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 9th day of April, 1902, at Toles, Mississippi.

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

By *[Signature]*

Deputy.

.3.3. 5183
COPY.

Map 200, Indian Territory, September 16, 1904.

Jimman Bell,

Coffieldah, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision, refusing your application for identification as a Mississippi Choctaw.

You are further 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 Dixcy.

Chairman.

Registered.

W. O. B.

COMMISSIONERS
TAMM BONEY,
THOMAS S. 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. 5183

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 9, 1905.

Jimman Bell,
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 your application for identification as a Mississippi Choctaw, 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

Name

Jimmie

Age

35

Blood

7/8

Post Office,

Coffeyville

Father:

Elan Bell

L

Mother:

Bessie

d

Claims through

Children.

Stenographer

J. A. Bell

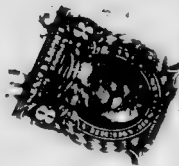
Handwritten text, possibly a date or signature, located in the upper middle section of the document. The text is faint and difficult to decipher, but appears to include the word "JULY" and some numbers.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

MUSKOGEE, IND.



10857

Jimman Bell,

Coffadela, Mississippi.

FILED
JUN - 3 1905
U.S. DEPARTMENT OF JUSTICE



Choctaw MCR 5184

Fishman

See MCR 2832

(Empty Jacket)

11011

15184

John W. ...
CANCELLED

1905 - Record transferred

to MCA 2550

CANCELLED

Choctaw MCR 5185

Ailsey Amos

See MCR 5028

MCR 5185

5785

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Beale, Mississippi, April 3rd, 1902.

In the matter of the application of Ailsey Amos for the identification of herself and minor son, Boston, as Mississippi Choctaws, represented by Teach Jacob.

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 Fifty-five.
Q What's your postoffice address? A Coffadelliah.
Q Are you a full blood Choctaw Indian? A Yes.
Q How long have you lived in Mississippi? A All my life.
Q Are you acquainted with a woman by the name of Ailsey Amos? A Yes.
Q How long have you known Ailsey? A I've known her all her life.
Q Is she any relation to you? A She's a half sister of my wife.
Q About how old is she? A About twenty-seven I spect.
Q How much Choctaw blood has she? A Seven-eighths I reckon.
Q Is her father living? A Yes.
Q What's his name? A Elan Bell.
Q Is her mother living? A No, dead.
Q What was her name? A I don't know.
Q Did you ever see her? A No.
Q Was she a full blood Choctaw? A Yes, that's what I heard.
Q Do you know the names of her parents? A No, I don't know.
Q So far as you know, have all of the ancestors of this woman always lived in Mississippi? A Yes.
Q Her father, Elan Bell, is three-quarters Choctaw, is he? A Yes.
Q Where does Ailsey live? A About a quarter of a mile from me, in Kemper County, Mississippi.
Q What's her postoffice address? A Coffadelliah.
Q Has she lived in Mississippi all her life? A Yes.
Q Is she married? A Yes, she was married and her husband died.
Q What was her husband's name? A Amos.
Q Did he have any other name? A No.
Q Was he a full blood Choctaw? A Yes.
Q Did he live in Mississippi all his life? A Yes.
Q Is his father living? A I don't know.
Q Is his mother living? A Dead.
Q Do you know their names? A I don't know.
Q Do you know the names of any of his grandparents? A I don't know.
Q As far as you know, have all of the ancestors of this woman been full blood Choctaws? A Yes.
Q And always lived in Mississippi? A Yes.
Q Has Ailsey been married more than once? A No, just once.
Q Has she any children living? A Yes, one.
Q What's that child's name? A Boston Amos.
Q About how old is that child? A About fifteen.
Q Was Amos the father of this child? A Yes.

- Q Has Ailsey any other children living with her? A No.
- Q Does anyone else live with her at all? A Jimman Bell and a Choctaw by the name of Tishman.
- Q You have heretofore appeared before the Commission and made application in your own behalf, have you not? A Yes.
- Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you not? A Yes.
- Q Do you know whether any of the ancestors of Ailsey or her husband, 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 under that article? A I don't know.
- Q Do you know whether any of them lived here when this treaty was made 71 years ago? A I don't know.
- Q Do you know whether any of them moved to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A If they did I don't know.
- Q Do you know whether 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 Do you know whether any of them ever got any land 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 appear before any of the Commissioners appointed under the acts of Congress of March 3, 1837, February 22, 1838, 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.
- Q Did any of them ever get any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A I don't know.
- Q Do you know of any old person living who would likely know whether any of the ancestors of any of these persons 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 I don't know.
- Q Are any of the brothers or sisters of this man Amos living? A Two of his brothers--hasn't any sisters.
- Q What are the names of those brothers? A Tom Kate and John Capers
- Q Has this man any brothers or sisters dead who left children--Amos? A No.
- Q Did either of Amos's parents ever have any brothers or sisters or do you know about that? A I don't know.
- Q How long did Ailsey and Amos live together? A About three years
- Q Were they married under a license or according to Choctaw custom? A Choctaw.
- Q Were either of them ever married more than once? A Amos married twice--his first wife's dead.
- Q Did he have any children by her? A Yes.
- Q Are any of those children living? A Yes.
- Q How many? A Five.
- Q With whom do they live? A They're all grown.

Ailsey Amos et al--3

Q What are their names? A Sweeney Amos, Griffin Amos, Lampkin Amos, Sallis Frazier-the wife of Wesley Frazier, and Emma Bull-the wife of Pink Bull.

There can be no doubt from the testimony of Teach Jacob that Ailsey Amos is seven-eighths Chectaw Indian and lives in Kemper County, Mississippi; that she has living with her one child whose father was a full blood Chectaw. She lives within three miles from the camp of the Commission and has known for three weeks of our presence at this place but has refused to come before us. On the 23rd of March she was served with a subpoena to appear before the Commission forthwith which she refused to do. Special reference is hereby made to the testimony of Hlan Bell her father taken before the Commission on the 21st day of March, 1902, at Seale, Mississippi. So far as the records of the Commission show, no application of any kind has ever been made for her.

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, April 3d, 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 10th day of April, 1902, at Teles, Mississippi.

L. B. Moseley
Clerk U. S. Circuit Court, Northern
District of Mississippi.

By *[Signature]*

Deputy.

M.C.R. 5155

COPY.

Muskogee, Indian Territory, September 15, 1904.

Ailsey Amos,

Coffadellah, Mississippi.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 15, 1904, rendered its decision, refusing your application for identification as Mississippi Choctaws of yourself, and your minor child, Boston Amos.

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. 5188

COPY.

Muskogee, Indian Territory, March 9, 1905.

Ailsy Amos,

Coffaslich, Mississippi.

Dear Madam:

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 minor child, Boston Amos, as Mississippi Choctaws, included in the consolidated case of Klan Bell et al., of which decision you were advised by registered mail on the 16th day of September, 1904.

Respectfully,

TSIGNE

Jame Dixie

Chairman.

W. O. S.

COMMISSIONERS:
JAMES BEERY,
THOMAS B. NEEDLES,
C. E. BRICKENRIDGE,
—
WM. O. BEALL,
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:
M. C. R. 5185

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 9, 1905.

Ailsey Amos,
Coffadelliah, Mississippi.

Dear Madam:

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 minor child, Boston Amos, 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.

#1963

No. 5185

For Identification as a Mississippi Choctaw.

Seale, Miss. Date 1912
 Name Ailsey Amos
 by Seale Jacob
 Age 27 Blood 7/8
 Post Office, Coffadelah, Miss.
 Father: Elan Bell (3/4) L
 Mother: -don't know- d

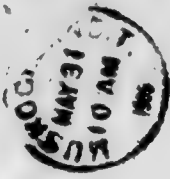
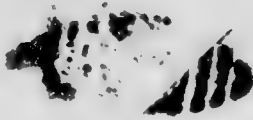
(claims through
 husband Amos, full) d

Children:

Boston Amos 15

Stenographer

J. S. Niles



FILED
 JUN - 3 1905
 COMMISSION TO FILE TO



KILL
JUN 30 1905
COMMISSIONER

1905

Department of the Interior.

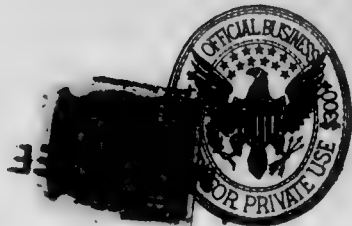
Commission to the Five Civilized Tribes,

MUSKOCHEE, IND. TER.

13586

10857

REGISTERED
SEP 20 1904
MUSKOGEE, IND. TER.



Ailsey Amos,

Coffadeleliah, Mississippi.

Choctaw MCR 5186

Sidney Ben

MCR 5186

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

-oOo-

In the matter of the application for the identification of
Sidney Ben, et al., as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application for
the identification of Sidney Ben, et al., as Mississippi
Choctaws, M.C.R. 5186.

-oOo-

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

-oOo-

In the matter of the application for the identification of
Sidney Ben, et al., as Mississippi Choctaws, M.C.R. 5186.

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

	(Page)
Original application of Sidney Ben, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission identifying Sidney Ben, et al., as Mississippi Choctaws-----	4

-oOo-

5186

Ident both

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Seale, Mississippi, April 3rd, 1902.

In the matter of the application of Sidney Ben for the identification of himself and one minor child, Hampton, as Mississippi Choctaws, represented by Teach Jacob.

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 Fifty-five.
- Q What's your postoffice address? A Coffadelliah.
- Q Are you a full blood Choctaw Indian? A Yes.
- Q How long have you lived in Mississippi? A All my life.
- Q Are you acquainted with a man by the name of Sidney Ben? A Yes.
- Q How long have you known him? A All his life.
- Q Where does he live? A In Kemper County.
- Q What would be his postoffice address? A Mardis, I reckon.
- Q You live in Kemper County, do you not? A Yes.
- Q Is Sidney a full blood Choctaw? A Yes.
- Q About how old is he? A About twenty-two.
- Q Is his father living? A Yes.
- Q What's his name? A Jimson Ben.
- Q Is his mother living? A Dead.
- Q What was her name? A I don't know.
- Q Did you ever see her? A Yes, I've seen her.
- Q Was she a full blood Choctaw? A Yes.
- Q Is Sidney married? A Yes.
- Q Is his wife living? A Dead.
- Q What was her name? A Sallie.
- Q Was she a full blood Choctaw? A Yes.
- Q How long did he live with her? A About five years.
- Q Was he ever married before he married her? A No.
- Q Was she ever married before she married him? A No.
- Q Is Sallie's father living? A Dead.
- Q What was his name? A Lahbin.
- Q Did he have any other name? A I don't know.
- Q Was he a full blood Choctaw? A Yes.
- Q Always lived in Mississippi? A Yes.
- Q Did Sallie live in Mississippi all her life? A Yes.
- Q Do you know the names of Lahbin's parents? A No.
- Q Is Sallie's mother living? A Yes.
- Q What's her name? A Lisby Lahbin.
- Q Does she live here in Neshoba? A Yes.
- Q Full blood Choctaw? A Yes.
- Q Has she lived in Mississippi all her life? A Yes.
- Q Do you know the names of her parents? A I don't know.
- Q Have you told us the names of all of Sallie's ancestors whose names you know? A Yes.
- Q Has Sidney any children living? A Yes, one child.
- Q What's the name of that child? A Hampton.
- Q How old? A About three years old.
- Q Is he the child of Sidney and Sallie? A Yes.

Sidney Ben et al--2

- Q Has Sidney any other children living with him? A No.
- Q Any old folks? A No.
- Q Do you know whether any application of any description has ever been made in behalf of Sidney or this minor child for the purpose of establishing their rights as Choctaw Indians? A No, I think not.
- Q You have heretofore appeared before the Commission and made application in your own behalf, have you not? A Yes.
- Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you not? A Yes.
- Q Do you know whether any of the ancestors of Sidney or his deceased wife, Sallie, 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 whether any of them lived here when this treaty was made, 71 years ago? A I don't know.
- Q Do you know whether any of them moved to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A If they did I don't know.
- Q Do you know whether 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 Do you know whether any of them ever got any land 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 appear before any of the Commissioners appointed under the acts of Congress of March 3, 1837, February 22, 1838 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.
- Q Did any of them ever get any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A I don't know.
- Q Do you know of any old persons living who would likely know whether any of the ancestors of Sidney or his deceased wife, Sallie, 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 I don't know.
- Q Has Sallie any brothers or sisters living? A One brother, Ben.
- Q Is that all? A A sister too.
- Q What's her sister's name? A Nancy.
- Q Is she married? A Yes, she's the wife of Bogle Willis.
- Q Has Sallie any brothers or sisters dead who left children? A No.
- Q Has Lisby, her mother, any brothers or sisters living? A No.
- Q Did any of them leave children? A No.
- Q Are any of Lahbin's brothers or sisters living? A No.
- Q Are any of the children of any of his brothers or sisters living? A No.

From the testimony of Teach Jacob there can be no doubt

Sidney Ben et al--3

that Sidney Ben is a full blood Choctaw and that he has living with him one child who is also a full blood. They live in the western edge of Kemper County. On the 22nd of March last a subpoena was served on Jimson Ben, the father of this applicant, to appear forthwith before the Commission, which he failed to do. At the time this subpoena was served on Jimson Ben, the applicant, Sidney Ben, was notified by the officer to appear before the Commission at once but he has not done so. Owing to the distance he lives from camp and to extreme high waters, it is not practicable to visit his place of residence for the purpose of securing an application from him. Both he and his father and brother, Johnson, have stated that they positively would not make application before the Commission. Special reference is hereby made to the testimony of Teach Jacob in connection with the application of Jimson Ben on this date. The records of the Commission fail to show that any application of any description has ever been made for the Applicant, Sidney Ben, or his minor child.

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, April 3rd, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

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

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

By *[Signature]*

Deputy.

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

-oOo-

In the matter of the application for the identification of
Sidney Ben, et al., as Mississippi Choctaws, M.C.R. 5186.

---: 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 3, 1902, by Teach Jacob, for Sidney Ben and his minor child,
Hampton Ben, 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 both the applicants are full-blood Mississippi Choc-
taw 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 Sidney Ben and Hampton Ben should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner


Commissioner.

Commissioner.

Muskogee, Indian Territory,

MAY -5 1901

MERIDIAN, MISSISSIPPI, September 28th, 1903

Sydney Ben,

Mardis, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on April 3rd, 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. 56
M C R 5186

Special Agent

Meridian, Mississippi, November 25, 1903.

Sidney Ben,

Mardis, Mississippi.

Dear Sir-

Under date of September 28, 1903, the following letter was written to you:

It appears from the records of the Commission that on April 3rd, 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,

M.C.R. 5186

COPY:

Muskogee, Indian Territory, May 5, 1904.

Sidney Ben,

Mardis, Mississippi,

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 you and your minor child Hampton Ben 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 5, 1904, and must make proof of such removal and settlement on or before May 5th, 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.

Enc. MCR 5186.

COPY. M.C.R. 5186

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 Sidney Ben and Hampton Ben 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.

Rec. MCR 5186.

93

COMMISSIONERS:
TAMM BIRNEY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE.

WM. O. BEALL,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING
H. C. R. 2188

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 5, 1904.

Teach Jacob,
Coffadeliah, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 5, 1904, rendered its decision identifying Sidney Ben and Hampton Ben as Mississippi Choctaws, 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 themselves of the benefits of such identification, the persons so identified must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,



Commissioner in Charge.

1060

No. 5186

For Identification as a Mississippi Choctaw.

Scale Miss

Date APR 3 1902

Name Sidney Ben

Age 22 Blood full

Post Office, Mardis, Miss.

Father: Jimson Ben L

Mother: don't know L

Claims through

wife Sallie Ben full (d)

Father Labbin L

Mother Lisby " L

Children:

Hampton Ben 3

Stenographer

J. A. Mills

SEP 4 11 30 AM '04

RECORDED
SEP 1 1904
DEPT. OF THE INTERIOR

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. TERR.

General Office - M.C.R.

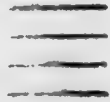
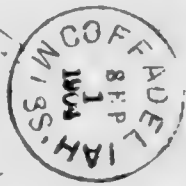
W. L. ...
5186

Advising that before persons ...
all themselves of the bene ...
identification they must make ...
tlement in the ...
or before Nov. 1, 1904.

Delivered to ...

Teach Jacob,

Goffadelteh, Mississippi.



Department of the Interior.

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



MUSKOGEE, IND. TER.
MAY 7 1904
REGISTERED

Sidney Ben,

Mardis, Mississippi.

12-18

[Faint handwritten text]

[Faint handwritten text]

Choctaw MCR 5187

Johnson Ben

MCR 5187

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

-oOo-

In the matter of the application for the identification of
Johnson Ben, et al., as Mississippi Choctaws,

-oOo-

Herein is the record in the matter of the application for
the identification of Johnson Ben, et al., as Mississippi
Choctaws, M.C.R. 5187.

-oOo-

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

-oOo-

In the matter of the application for the identification of
Johnson Ben, et al., as Mississippi Choctaws, M.C.R. 5187.

--: I N D E X :--

	(Page)
Original application of Johnson Ben, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission identifying Johnson Ben, et al., as Mississippi Choctaws-----	4

-oOo-

5187
Ident all

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Seale, Mississippi, April 3rd, 1902.

In the matter of the application of Johnson Ben for the identification of himself, his wife Ialie and minor child, Emma, as Mississippi Choctaws, represented by Teach Jacob.

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 Fifty-five.
Q What's your postoffice address? A Coffadelliah.
Q Are you a full blood Choctaw Indian? A Yes.
Q How long have you lived in Mississippi? A All my life.
Q Are you acquainted with a man by the name of Johnson Ben? A Yes.
Q How long have you known him? A All his life.
Q Where does he live? A Kemper County.
Q What would be his postoffice? A Mardis, I think.
Q Has he lived in Kemper County all his life? A No, he lived in Neshoba all his life up to three years ago and then moved to Kemper.
Q You live in Kemper County, do you not? A Yes.
Q About how old a man is Johnson Ben? A About twenty-five.
Q Is he a full blood Choctaw? A Yes.
Q Is his father living? A Yes.
Q What's his name? A ~~Johnson Ben~~ Jimson Ben.
Q Is his mother living? A Dead.
Q What was her name? A Lah-wa-to-nah.
Q Was she a full blood Choctaw? A Yes.
Q Lived in Mississippi all her life? A Yes.
Q Your testimony has just been taken with reference to Jimson Ben, the father of this man Johnson, has it not? A Yes.
Q Is Johnson married? A Yes.
Q Is his wife living? A Yes.
Q What's her name? A Ialie.
Q Are they living together? A Yes.
Q Is she a full blood Choctaw? A Yes.
Q About how old is she? A About same age her husband.
Q Were they married under a license or according to the Choctaw custom? A Choctaw.
Q How long have you known Johnson's wife? A About six years.
Q Where has she lived all her life? A Close to the River.
Q In Neshoba County? A In Neshoba or Winston.
Q How long has she been living with Johnson? A About six years.
Q Was she married before she married Johnson? A Yes.
Q Did she have any children by her first husband? A Yes.
Q Are any of them living? A Yes.
Q Do they live with her? A No, they live with Tom Kate--that child does.
Q What's that child's name? A I don't know.
Q About how old is it? A About seven.
Q What was the name of this child's father? A Isom Thompson/
Q Isom lives here in Neshoba, doesn't he? A Yes.

- Q Was Ialie ever married more than twice? A No.
- Q Is Ialie's father living? A I think he's been dead a long time.
- Q Do you know his name? A No.
- Q Is her mother living? A Yes.
- Q What's her name? A Lucy Kate, the wife of Tom Kate.
- Q Do you know the name of any one of Ialie's grandparents? A No.
- Q As far as you know have all of her ancestors been full blood Choctaws? A Yes, as far as I know.
- Q Have they always lived here in Mississippi so far as you know? A Yes.
- Q How many children have Johnson and Ialie living? A One.
- Q What's the name of that child? A Emma.
- Q How old? A Four months old.
- Q Have they any other children living in their family? A No.
- Q Any old folks living with them? A No.
- Q Do you know whether any application of any description has ever been made for either Johnson Ben or his wife for the purpose of establishing their rights as Choctaw Indians? A Not as I know of.
- Q You have heretofore appeared before the Commission and made application in your own behalf, have you not? A Yes.
- Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you not? A Yes.
- Q Do you know whether any of the ancestors of Ialie, Johnson's 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 I don't know.
- Q Do you know whether any of them lived here when this treaty was made 71 years ago? A I don't know.
- Q Do you know whether any of them moved to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A If they did I don't know.
- Q Do you know whether 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 Do you know whether any of them ever got any land 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 appear before any of the Commissioners appointed under the acts of Congress of March 3, 1837, February 22, 1838, 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.
- Q Did any of them ever get any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A I don't know.
- Q Do you know of any old person living who would likely know whether any of the ancestors of Ialie 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 I don't know.
- Q How many brothers has Johnson living? A Aint got no full brothers--he's got some half brothers.

Johnson Ben et al--3

Q How many half brothers? A Three.

Q What are their names? A Nicholas, Anderson and Sidney.

Q Has he any sisters or half sisters? A He's got a half sister who's a little child--I don't know her name--she lives with her father, Jimson.

Q Has Johnson any brothers or sisters dead who left children? A No.

Q Has Ialie any brothers or sisters living? A Yes, two brothers and one sister.

Q What are their names? A Bill Cotton, Raymond Cotton and Fannie Reece, the wife of John Reece.

Q Are any of Ialie's father's brothers or sisters or any of their children living? A I don't know.

Q Are any of Ialie's mother's brothers or sisters or any of their children living? A I don't know.

It is evident from the testimony of Teach Jacob that Johnson Ben and his wife Ialie are full blood Choctaws living in Kemper County, Mississippi; that they have living with them one child, Emma. No application of any description has ever been made for either of these parties to the Commission. On the 22nd of March last a subpoena was served on ~~Jakson Ben~~ Jimson Ben, the father of Johnson Ben, to appear forthwith before the Commission for the purpose of making application for identification as a Mississippi Choctaw and Johnson Ben was at that time notified by the officer serving the subpoena to appear before us, but he has failed to do so. He lives a considerable distance from the camp of the Commission and owing to extreme high water it is not practicable to visit him personally for the purpose of securing an application. Special reference is hereby made to the testimony of Teach Jacob given before the Commission this date in the matter of the application of Jimson Ben for the identification of himself, wife and children as Mississippi Choctaws.

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, April 3rd, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

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

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

3
By *[Signature]*

Deputy.

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

-oOo-

In the matter of the application for the identification of Johnson Ben, et al., as Mississippi Choctaws, M.C.R. 5187.

---: 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 3, 1902, by Teach Jacob, for Johnson Ben, his wife, Ialia Ben, and his minor child, Emma Ben, 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

(2)

September 25, 1902, provides as follows:

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

It is therefore the opinion of this Commission that Johnson Ben, Ialie Ben and Emma Ben should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Commissioner.

Muskogee, Indian Territory,

MAY - 3 1902

MERIDIAN, MISSISSIPPI, September 30, 1903.

Johnson Ben,

Mardis, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on April 3, 1903, 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 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 to 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. 57
M C R 5187

Special Agent

Meridian, Mississippi, November 26, 1903.

Johnson Ben,

Mardis, Mississippi.

Dear Sir-

Under date of September 30, 1903, the following letter was written to you:

It appears from the records of the Commission that on April 3, 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,

Muskogee, Indian Territory, May 5, 1904.

Johnson Ben,

Mardis, Mississippi,

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 you, your wife Ialie Ben, and minor child Kama Ben, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

E. D. Neel

Commissioner in Charge.

Registered.

Enc. MCR 5187.

COPY.

M.C.R. 5187

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 Johnson Ben, Ialis Ben and Emma Ben as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 541).

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 such protest within the time allowed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Registered.

Enc. MCR 5187.

T. B. Neecies.

Commissioner in Charge.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE,
—
WM. O. BEALL,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5187

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

98
Muskeges, Indian Territory, May 5, 1904.

Teach Jacob,

Ceffadeliah, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 5, 1904, rendered its decision identifying Johnson Ben, Ialie Ben and Emma Ben 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 themselves of the benefits of such identification, the persons so identified must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,



Commissioner in Charge.

1005

No. 5187

For Identification as a Mississippi Choctaw.

Male
Miss

Date *APR 3 1902*

Name *Johnson Ben*
by Teach Jacob

Age *25* Blood *full*

Post Office, *Mardis Miss.*

Father: *Jimson Ben L*

Mother: *Lah-ma to-nah d*

Claims through

wife *Jalie Ben (full) 25*

Father — *lost know — d*

Mother *Lucy Kate L*

For self, wife and child.

Children:

Emma Ben 4 mo

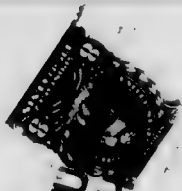
Stenographer

J. S. Miles

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

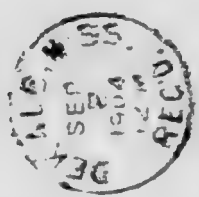


Johnson Sen,

Wardis, Mississippi.

MUSKOGEE, IND. TER.
MAY 7 1904
REGISTERED





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

SEP - 6 1904
[Handwritten signature]





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

AUG 27 1904

A handwritten signature in dark ink, appearing to be "G. H. ...".

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

R.W.

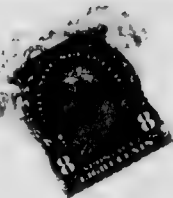
II

address 200

REGISTERED

JUL 21 1904

MUSKOGEE, IND. TER.



34

Johnson Ben,

~~DeKalb, Miss.~~

~~Lives near Hardis.~~

REGISTERED

JUL 21 1904

MUSKOGEE, IND. TER.



Choctaw MCR 5188

Jimson Ben

MCR 5188

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

-oOo-

In the matter of the application for the identification of
Jimson Ben, et al., as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application for
the identification of Jimson Ben, et al., as Mississippi
Choctaws, M.C.R. 5188.

-oOo-

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

-oOo-

In the matter of the application for the identification of
Jimson Ben, et al., as Mississippi Choctaws, M.C.R. 5188.

--: I N D E X :--

	(Page)
Original application for the identification of Jimson Ben, et al., as Mississippi Choctaws-----	1
Decision of the Commission identifying said applicants as Mississippi Choctaws-----	5

-oOo-

5188

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Seals, Mississippi, April 3d, 1902.

In the matter of the application of Jimson Ben for the identification of himself, his wife, Lucy, and three minor children, Nicholas, Anderson and -----, as Mississippi Choctaws, represented by Teach Jacob.

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 Fifty-five.
Q What's your postoffice address? A Coffadelliah.
Q Are you a full blood Choctaw Indian? A Yes.
Q How long have you lived in Mississippi? A All my life.
Q Are you acquainted with a man by the name of Jimson Ben? A Yes.
Q Where does he live? A Kemper County, Mississippi.
Q What would probably be his postoffice address? A It might be Mardis--they live about five miles from Mardis in Kemper County.
Q How long has this man lived in Kemper County? A All his life.
Q How long have you known him? A I knowed him all my life.
Q Is he a full blood Choctaw? A Yes.
Q About how old is he? A About forty.
Q Is his father living? A Dead.
Q What was his name? A Ben.
Q Did he have any other name? A I don't know any other name.
Q Did he have a Choctaw name? A That's all the name he had that I know of.
Q How long has he been dead? A About thirty years.
Q About how old a man was he when he died? A He was about thirty years old when he died.
Q Do you know the names of his parents? A No.
Q Is this man Jimson Bell's mother living? A No.
Q What was her name? A I don't know.
Q Do you know the names of her parents? A I don't know.
Q Did you ever see Jimson's mother? A Yes, I've seen her.
Q Was she a full blood Choctaw? A Yes, she was the daughter of old man Hontubbee.
Q How long has Hontubbee been dead? A I reckon he's been dead about fifty years--I was a little boy when he died.
Q Was he a full blood? A Yes.
Q Did he live here in Mississippi all his life? A Yes.
Q Have you given us the names of all of Jim's ancestors whose names you remember? A Yes.
Q Is Jimson married? A Yes.
Q Is his wife living? A Yes.
Q Is he living with her at this time? A Yes.
Q What's her name? A Lucy.
Q Is Lucy a full blood Choctaw? A Yes.
Q About how old is Lucy? A About twenty-seven.
Q Has she lived in Mississippi all her life? A Yes.
Q How long has she been married to Jimson? A About twelve years.
Q Were they married under a license or according to Choctaw custom?
A Choctaw custom.

Jimson Ben et al--2

- Q Was she married before she married Jimson? A Yes, she was married to a man and stayed with him about a week.
- Q What was his name? A Moseley Marris.
- Q Was she married to Moseley under a license or according to Choctaw custom? A Choctaw custom.
- Q Was Jimson married before he married Lucy? A Yes.
- Q How many times? A He's living with his fourth wife--he's got three wives dead.
- Q What was the name of his first wife? A Il-la-wa-to-nah; she had no English name.
- Q Was she a full blood Choctaw? A Yes.
- Q Did he have any children by her? A Yes, one, Johnson Ben who's now kinging living.
- Q Do you know the name of this woman's father or mother? A I know her mother but I don't know her father.
- Q What was her mother's name? A Nancy.
- Q Did she have a Choctaw name? A Forgot it.
- Q You are sure she was a full blood Choctaw, are you? A Yes.
- Q What was the name of Jimson's second wife? A I did know her name but I can't think of it now.
- Q Did he have any children by her? A Yes, Sidney Ben, who's now living.
- Q Was she a full blood Choctaw? A Yes.
- Q Lived in Mississippi all her life? A Yes.
- Q Do you know the names of her parents? A I don't know.
- Q What was the name of Jimson's third wife? A I don't know--I have seen her.
- Q Was she a full blood Choctaw? A Yes.
- Q Did he have any children by her? A No.
- Q Is Lucy's father living? A Yes.
- Q What's his name? A Simon Charlie.
- Q Do you know the name of Simon Charlie's father? A Sucarnoochee Charlie.
- Q Was he a full blood Choctaw? A Yes.
- Q Simon is a full blood, is he? A Yes.
- Q About how old is Simon? A About fifty.
- Q About how old would Sucarnoochee Charlie be if he were living now? A He would be about eighty years old if he were living now--he was about forty years old when he died and he's been dead about forty years.
- Q Did he have a Choctaw name? A I think he had but I can't think of it.
- Q He lived here in Mississippi all his life, did he? A Yes.
- Q Is Lucy's mother living? A Yes.
- Q What's her name? A Mary Jane.
- Q Is she a full blood Choctaw? A Yes.
- Q Live here in Mississippi all her life? A Yes.
- Q Do you know the names of her parents? A Yes.
- Q What are their names? A Dixon.
- Q That was her father? A Yes.
- Q Did he have any other name? A That's all.
- Q How long has he been dead? A Died last year.
- Q About how old was he when he died? A About seventy years old.
- Q Did he live here in Mississippi all his life? A Yes.
- Q What was Mary Jane's mother's name? A Nowah.
- Q Do you know the names of any of Nowah's brothers or sisters?
A No.

Jimson Ben et al---3

Q How old would she be if she were living now? A About seventy years old.

Q Do you know the name of Nowah's father or her mother? A Her mother was Sallie.

Q Did she have a Choctaw name? A I don't know.

Q So far as you know, have all of the ancestors of Jimson and Lucy always lived here in Mississippi? A Yes.

Q And they have all been full blood Choctaws, have they? A Yes.

Q How many children have Jimson and Lucy living? A Three.

Q What are their names and ages? A Nicholas, about six years old

Q next one? A Anderson, about four.

Q Next one? A I don't know the little one's name.

Q Is it a girl or boy? A I think its a girl.

Q About how old is she? A About a year old.

Q Are these three children living with them now? A Yes.

Q Have they any other children in their family living with them? A No.

Q Do you know whether any application of any kind has ever been made to the Commission for any of these persons? A Not that I know of.

Q You have heretofore appeared before the Commission and made application in your own behalf, have you not? A Yes.

Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you not? A Yes.

Q Do you know whether any of the ancestors of Jimson or his wife, Lucy, or of Jimson's first wife or his second 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 I don't know.

Q Do you know whether any of them lived here when this treaty was made 71 years ago? A I don't know.

Q Do you know whether any of them moved to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A If they did I don't know.

Q Do you know whether 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 Do you know whether any of them ever got any land 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 appear before any of the Commissioners appointed under the acts of Congress of March 3, 1837, February 22, 1838, 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.

Q Did any of them ever get any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A I don't know.

Q Do you know of any old person living who would likely know whether any of the ancestors of any of these persons 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.

Jimson Ben et al--4

- 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 Has Jimson any brothers living? A No, all dead.
- Q Did any of them leave children? A No, none of them was married.
- Q Did Jimson ever have any sisters? A No.
- Q Are any of Jimson's father's brothers or sisters living? A No.
- Q Are any of the children of any of Jimson's father's brothers or sisters living? A Allison Thompson, who lives in Neshoba County is the son of one of Jimson's father's sisters.
- Q Is he the only one of the children of Jimson's father's brothers or sisters living? A That's all.
- Q Are any of Jimson's mother's brothers or sisters living? A No.
- Q Are any of their children living? A No.
- Q Are any of Lucy's brothers or sisters living? A One brother living.
- Q What's his name? A Albert.
- Q Has he any other name? A No.
- Q Where does he live? A I don't know where he lives.
- Q Are any of Lucy's father's brothers or sisters living? A No.
- Q Are any of Lucy's mother's brothers or sisters living? A No.
- Q Are any of the children of any of them living? A No.
- Q Are any of the children of any of Lucy's father's brothers or sisters living? A No.

There can be no doubt from the Testimony of Teach Jacob, who bears the reputation of being a thoroughly reliable and trustworthy Indian, that Jimson Ben and his wife are full blood Chectaws and that they have living with them three children, Nicholas, Anderson and a child whose name the witness does not know. These Indians live some distance from the camp of the Commission and owing to extreme high waters it is impossible to reach them. Jimson was served on the 22nd of March last with a subpoena to appear before the Commission forthwith but refused to appear before us. The records of the Commission fail to show that any application of any description has ever been made for any of the persons included in this application.

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, April 3rd, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

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

Ira S. Niles
L. D. Mosley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

4 By *[Signature]* Deputy.

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

-oOo-

In the matter of the application for the identification of Jimson Ben, et al., as Mississippi Choctaws, M.C.R. 5188.

---: 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 3, 1902, by Teach Jacob for Jimson Ben, his wife, Lucy Ben, and his two minor children, Nicholas and Anderson Ben, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

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

It appears from the record herein that at the time Teach Jacob made application for the identification of the above named applicants he also made application for another minor child but was unable to state its name. Although the principal applicant has been repeatedly requested to furnish the name of said child, he has failed to do so.

From the evidence submitted in support of said application it appears that Jimson Ben, Lucy Ben, Nicholas Ben and Anderson Ben 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 Jimson Ben, Lucy Ben, Nicholas Ben and Anderson Ben should be identified as Mississippi Choctaws, and it is so ordered.

It is the further opinion of this Commission that the application made for the identification as a Mississippi Choctaw of the minor child, whose name is not disclosed, should be dismissed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.

Muskogee, Indian Territory,

JUL 16 1904

6


Commissioner.

MERIDIAN, MISSISSIPPI, September 28th 1903

Jimson Ben

Mardis, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on April 3rd, 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 AM and 6 PM.

Very respectfully,

File No. 48
M C F 5188

Special Agent

Meridian, Mississippi, November 24, 1903.

Jimson Ben,

Hardie, Mississippi.

Dear Sir-

Under date of September 28, 1903, the following letter was written to you:

It appears from the records of the Commission that on April 3rd, 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 48

Special Agent.

M C R 5188

Muskogee, Indian Territory, March 30, 1904.

Jimson Ben,

Nardis, Mississippi.

Dear Sir:

It appears from the records of the Commission that on April 3, 1902, Teach Jacob appeared before this Commission at Seale, Mississippi, and made application for you, your wife, and three minor children as Mississippi Choctaws. Teach Jacob was, at that time, unable to give the name of one of said children, and in order to secure this information in proper form there is enclosed you herewith an affidavit in interrogatory form which you are directed 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 for until this information is received no further action can be taken in your case.

Respectfully,

Enc. JD1-30

Commissioner in Charge.

COPY:

M.C.R. 2128

Muskogee, Indian Territory, July 16, 1904.

Finson Ben,

Morris, 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, your wife, Lucy Ben, and your two minor children, Nicholas and Anderson Ben, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1903, (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 15, 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,

J. M. B. Bishop

Registered.
Incl. M.C.R. 2128

Callahan

M.C.R. 5199

COPY.

Muskogee, Indian Territory, July 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 to the Five Civilized Tribes, rendered July 16, 1904, identifying Jimson Ben, his wife, Lucy Ben, and his two minor children, Nicholas and Anderson Ben, 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

Tamm Birney
Chairman

Registered.
1901. M.C.R. 5199

See M.C.R. 5507 for registry receipt for this letter.

1906

No. 5100

For Identification as a Mississippi Choctaw.

Seale Miss

Date APR 1 1906

Name *Jimson Ben*
Age *40* Blood *full*

Post Office, *Mardis, Miss*

Father: *Ben d*

Mother: *- don't know - d*

Claims through

wife - <i>Lucy Ben (full)</i>	<i>27</i>
Father - <i>Simon Charlie "</i>	<i>2</i>
mother <i>Mary Jane "</i>	<i>2</i>

For self, wife *and 3 children*

Children:

<i>Nicholau Ben</i>	<i>6</i>
<i>Anderson "</i>	<i>4</i>
<i>_____ "</i>	<i>1 F</i>

Stenographer

J. S. Niles

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 26 1904

[Handwritten signature]

CHAIRMAN



Department of the Interior.

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

REGISTERED
JUL 16 1904
MUSKOGEE, IND. TER.

MUSKOGEE



Jimson en,

~~DeKalb~~
~~Miss~~

AUG 25 1904

10/4/7
addressee
cannot be found:



33

(Lives near Mardio)

Choctaw MCR 5189

Susan Cousin

See MCR 5190

MCR 5189

4
HOOTAW.

William Cousin et al
These applicants applied
for in MCR 5190

CANCELLED MAR 20 1904

Testimony of J. J. J. J. J.

5790

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Seale, Mississippi, April 3rd, 1902.

In the matter of the application of Simon Charlie for the identification of himself, his wife Mary Jane, and two minor children, Tinnie and Martha, and minor ward, Thomas William, as Mississippi Choctaws, represented by Teach Jacob, also for the identification of Susan Cousin and her minor child Hoki.

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 Fifty-five.
- Q What's your postoffice address? A Coffadelliah.
- Q Are you a full blood Choctaw Indian? A Yes.
- Q How long have you lived in Mississippi? A All my life.
- Q Are you acquainted with a Choctaw by the name of Simon Charlie? A Yes.
- Q How long have you known him? A About forty years.
- Q Is he a full blood Choctaw? A Yes.
- Q About how old a man is he? A About fifty.
- Q Where does he live? A Kemper County.
- Q What would probably be his postoffice? A Mardis, I reckon.
- Q You live in Kemper County yourself, do you not? A Yes.
- Q How long has Simon lived in Kemper County? A He lived in Winston and went to Neshoba and the last four years he has lived in Kemper.
- Q He has lived in Mississippi all his life, has he? A Yes.
- Q Is his father living? A Dead.
- Q What was his name? A Charlie.
- Q Did he have any other name? A Sucarnoochee Charlie.
- Q Was Sucarnoochee Charlie a full blood? A Yes.
- Q Lived here in Mississippi all his life? A Yes.
- Q Is Simon's mother living? A Dead long time.
- Q What was her name? A I don't know.
- Q Is Simon married? A Yes.
- Q Wife living? A Yes.
- Q Are they living together? A Yes.
- Q What's her name? A Mary Jane.
- Q Is she a full blood Choctaw? A Yes.
- Q About how old is she? A About fifty.
- Q How long have you known her? A All her life.
- 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 Dixon.
- Q Did he have any other name? A No.
- Q Is her mother living? A Dead long time.
- Q What was her name? A Nowah.
- Q So far as you know, have all of Simon's ancestors and Mary Jane's ancestors always lived here in Mississippi? A Yes.
- Q Have they all been full blood Choctaws? A Yes.
- Q Have Simon and Mary Jane any minor children living? A Yes, two.
- Q What are their names? A Tinnie and Martha.
- Q How old are they? A Tinnie about twelve and Martha about ten.

Simon Charlie et al--2

- Q These children live with them now? A Yes.
- Q They are both the children of Simon and Mary Jane, are they?
A Yes.
- Q Have they any other children living with them? A They have a daughter who has been married and lives with them--~~now that~~ Mary Jane's orphan half brother lives with them.
- Q What's his name? A Thomas William.
- Q About how old is he? A About eleven.
- Q Is he a full blood Choctaw? A Yes.
- Q Lived here in Mississippi all his life? A Yes.
- Q What was his father's name? A Dixon.
- Q Did he have any other name? A That's all.
- Q What was the name of the mother of this boy? A Sittie.
- Q She was a full blood Choctaw, was she? A Yes.
- Q Do you know the names of her parents? A I don't know.
- Q Did Sittie always live here in Mississippi? A Yes.
- Q Do you know the names of any of her grandparents? A No.
- Q How old would Sittie be if she were living now? A About sixty if she was living now.
- Q Did she have a Choctaw name? A That's all.
- Q Have Simon and Mary Jane any other children living with them?
A Yes, they have a daughter, Susan, who's been married lives with them.
- Q Is her husband living? A Yes.
- Q What's his name? A Madison Cousin.
- Q How long have Madison and Susan been separated? A About four years.
- Q Has Susan any children? A One.
- Q What's that child's name? A Hoki.
- Q About how old is the child? A About four years old.
- Q Is it the child of Susan and Madison Cousin? A Yes.
- Q Is Madison married again? A Yes.
- Q How long did he live with Susan? A About a year.
- Q Were they married under a license or according to Choctaw custom?
A Choctaw custom.
- Q About how old is Susan? A About twenty.
- Q Is she the child of Simon and Mary Jane? A Yes.
- Q Have you known her all your life? A Yes.
- Q Has she always lived here in Mississippi? A Yes.
- Q Do you know the name of Madison's father or mother? A Yes.
- Q Are either of them living? A ~~Yes~~No.
- Q What was the name of his father? A Cousin.
- Q Is that the only name he had? A That's all I know.
- Q Lived in Mississippi all his life? A Yes.
- Q Full blood Choctaw? A Yes.
- Q Do you know the name of his father or his mother? A Yes, I know his father--I don't know his mother.
- Q What was his father's name? A Fil-s-mo.
- Q How old would he be if he were living now? A He would be over one-hundred years old if he was living now.
- Q Do you know the name of Madison's mother? A No.
- Q Do you know whether any application of any description has ever been made for Simon Charlie, his wife Mary Jane, or his two minor children, Tinnie and Martha, his minor ward Thomas William, his daughter Susan or her child Hoki, to the Commission? A Not that I know of.

Q You have heretofore appeared before the Commission and made application in your own behalf, have you not? A Yes.

Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you not? A Yes.

Q Do you know whether any of the ancestors of Simon Charlie and his wife, or of Thomas William or Hoki, 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 whether any of them lived here when this treaty was made, 71 years ago? A I don't know.

Q Do you know whether any of them moved to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A If they did I don't know.

Q Do you know whether 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 Do you know whether any of them ever got any land 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 appear before any of the Commissioners appointed under the acts of Congress of March 3, 1837, February 22, 1838, or August 23, ~~1842~~ 1842, and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A 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 I don't know.

Q Do you know of any old person living who would likely know whether any of the ancestors of any of these persons 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 I don't know.

Q Did Sittie Dixon, the wife of Dixon, ever have any brothers or sisters? A No, never did have.

Q Did either of her parents have any brothers or sisters to your knowledge? A I don't know about that.

Q Have Simon and Mary Jane any children married? A Yes, one.

Q What's that child's name? A Lucy Ben, the wife of Jimson Ben.

There can be no doubt from the testimony of Teach Jacob that the persons covered by this application are full blood Choctaws living in Kemper County, Mississippi. On the 22nd day of March last subpoena was served on Simon Charlie to appear forthwith before the Commission for the purpose of making application for identification as a Mississippi Choctaw, which he failed to do, notifying the officer at the time the service was made that he would not appear before the Commission. Owing to the distance

Simon Charlie et al--4

of his residence from the camp of the Commission and extremely high water, it is not practicable to visit his home for the purpose of securing an application. As far as the records of the Commission show, no application of any description has ever been made for any of these persons for the purpose of establishing their rights as Cheate Indians.

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 Beale, Mississippi, April 3rd, 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 9th day of April, 1902,
at Toles, Mississippi.

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

By *[Signature]*

Deputy.

MERIDIAN, MISSISSIPPI, September 28th, 1903

Susan Cousin

Nardis, Mississippi.

Commission that on
application made for the identification of your
self 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 laws, 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

Meridian, Mississippi, November 24, 1903.

Susan Cousin,

Meridian, Mississippi.

Under date of September 28, 1903, the following letter was written to you:

It appears from the records of the Commission that on April 3, 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 laws, 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 take 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,

#1967

No. 5189

For Identification as a Mississippi Choctaw:

Scale Miss Date APR 3 1907

Name Susan Cousin
by Thach Jacob

Age 20 Blood full

Post Office, Mardis, Miss.

Father: Simon Charlie L

Mother: Mary Jane " L

Claims through
husband.

Madison Cousin (full) L

(Separated from Susan.)

For self and

Children:

Hoki Cousin (full) 3

(See testimony of Thach
Jacob re
Cousin)

Stenographer

J. J. Miles

Choctaw MCR 5190

Simon Charlie

MCR 5190

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

-oOo-

In the matter of the application for the identification of
Simon Charlie, et al., as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application for
the identification of Simon Charlie, et al., as Mississippi
Choctaws, M.C.R. 5190.

-oOo-

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

-oOo-

In the matter of the application for the identification of
Simon Charlie, et al., as Mississippi Choctaws, M.C.R. 5190.

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

	(Page)
Original application of Simon Charlie, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission identifying Simon Charlie, et al., as Mississippi Choctaws-----	5.

-oOo-

contact

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Seale, Mississippi, April 3rd, 1902.

In the matter of the application of Simon Charlie for the identification of himself, his wife Mary Jane, and two minor children, Tinnie and Martha, and minor ward, Thomas William, as Mississippi Choctaws, represented by Teach Jacob, also for the identification of Susan Cousin and her minor child Meki.

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 Fifty-five.
Q What's your postoffice address? A Coffadelliah.
Q Are you a full blood Choctaw Indian? A Yes.
Q How long have you lived in Mississippi? A All my life.
Q Are you acquainted with a Choctaw by the name of Simon Charlie?
A Yes.
Q How long have you known him? A About forty years.
Q Is he a full blood Choctaw? A Yes.
Q About how old a man is he? A About fifty.
Q Where does he live? A Kemper County.
Q What would probably be his postoffice? A Mardis, I reckon.
Q You live in Kemper County yourself, do you not? A Yes.
Q How long has Simon lived in Kemper County? A He lived in Winston and went to Nashoba and the last four years he has lived in Kemper.
Q He has lived in Mississippi all his life, has he? A Yes.
Q Is his father living? A Dead.
Q What was his name? A Charlie.
Q Did he have any other name? A Sucarnoochee Charlie.
Q Was Sucarnoochee Charlie a full blood? A Yes.
Q Lived here in Mississippi all his life? A Yes.
Q Is Simon's mother living? A Dead long time.
Q What was her name? A I don't know.
Q Is Simon married? A Yes.
Q Wife living? A Yes.
Q Are they living together? A Yes.
Q What's her name? A Mary Jane.
Q Is she a full blood Choctaw? A Yes.
Q About how old is she? A About fifty.
Q How long have you known her? A All her life.
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 Dixon.
Q Did he have any other name? A No.
Q Is her mother living? A Dead long time.
Q What was her name? A Nowah.
Q So far as you know, have all of Simon's ancestors and Mary Jane's ancestors always lived here in Mississippi? A Yes.
Q Have they all been full blood Choctaws? A Yes.
Q Have Simon and Mary Jane any minor children living? A Yes, two.
Q What are their names? A Tinnie and Martha.
Q How old are they? A Tinnie about twelve and Martha about ten.
- 1

Simon Charlie et al--2

- Q These children live with them now? A Yes.
- Q They are both the children of Simon and Mary Jane, are they?
- A Yes.
- Q Have they any other children living with them? A They have a daughter who has been married and lives with them--~~the~~ Mary Jane's orphan half brother lives with them.
- Q What's his name? A Thomas William.
- Q About how old is he? A About eleven.
- Q Is he a full blood Choctaw? A Yes.
- Q Lived here in Mississippi all his life? A Yes.
- Q What was his father's name? A Dixon.
- Q Did he have any other name? A That's all.
- Q What was the name of the mother of this boy? A Sittie.
- Q She was a full blood Choctaw, was she? A Yes.
- Q Do you know the names of her parents? A I don't know.
- Q Did Sittie always live here in Mississippi? A Yes.
- Q Do you know the names of any of her grandparents? A No.
- Q How old would Sittie be if she were living now? A About sixty if she was living now.
- Q Did she have a Choctaw name? A That's all.
- Q Have Simon and Mary Jane any other children living with them?
- A Yes, they have a daughter, Susan, who's been married lives with them.
- Q Is her husband living? A Yes.
- Q What's his name? A Madison Cousin.
- Q How long have Madison and Susan been separated? A About four years.
- Q Has Susan any children? A One.
- Q What's that child's name? A Hoki.
- Q About how old is the child? A About four years old.
- Q Is it the child of Susan and Madison Cousin? A Yes.
- Q Is Madison married again? A Yes.
- Q How long did he live with Susan? A About a year.
- Q Were they married under a license or according to Choctaw custom?
- A Choctaw custom.
- Q About how old is Susan? A About twenty.
- Q Is she the child of Simon and Mary Jane? A Yes.
- Q Have you known her all your life? A Yes.
- Q Has she always lived here in Mississippi? A Yes.
- Q Do you know the name of Madison's father or mother? A Yes.
- Q Are either of them living? A ~~Yes~~ No.
- Q What was the name of his father? A Cousin.
- Q Is that the only name he had? A That's all I know.
- Q Lived in Mississippi all his life? A Yes.
- Q Full blood Choctaw? A Yes.
- Q Do you know the name of his father or his mother? A Yes, I know his father--I don't know his mother.
- Q What was his father's name? A Fil-o-mo.
- Q How old would he be if he were living now? A He would be over one-hundred years old if he was living now.
- Q Do you know the name of Madison's mother? A No.
- Q Do you know whether any application of any description has ever been made for Simon Charlie, his wife Mary Jane, or his two minor children, Tinnie and Martha, his minor ward Thomas William, his daughter Susan or her child Hoki, to the Commission? A Not that I know of.

Simon, Charles et al--3

Q You have heretofore appeared before the Commission and made application in your own behalf, have you not? A Yes.

Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you not? A Yes.

Q Do you know whether any of the ancestors of Simon Charles and his wife, or of Thomas William or Hoki, 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 whether any of them lived here when this treaty was made, 71 years ago? A I don't know.

Q Do you know whether any of them moved to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A If they did, I don't know.

Q Do you know whether 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 Do you know whether any of them ever got any land 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 appear before any of the Commissioners appointed under the acts of Congress of March 3, 1837, February 22, 1838, or August 23, ~~1842~~ 1842, and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A 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 I don't know.

Q Do you know of any old person living who would likely know whether any of the ancestors of any of these persons 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 I don't know.

Q Did Sittie Dixon, the wife of Dixon, ever have any brothers or sisters? A No, never did have.

Q Did either of her parents have any brothers or sisters to your knowledge? A I don't know about that.

Q Have Simon and Mary Jane any children married? A Yes, one.

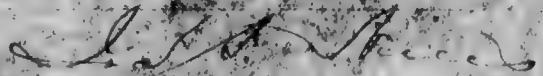
Q What's that child's name? A Lucy Ben, the wife of Jimson Ben.

There can be no doubt from the testimony of Teach Jacob that the persons covered by this application are full blood Choctaws living in Kemper County, Mississippi. On the 22nd day of March last subpoena was served on Simon Charles to appear forthwith before the Commission for the purpose of making application for identification as a Mississippi Choctaw, which he failed to do, notifying the officer at the time the service was made that he would not appear before the Commission. Owing to the distance

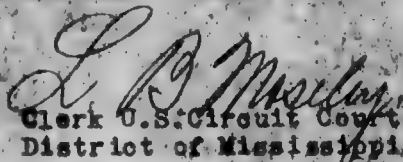
Case No. 100-100-1

It is further stated that the camp of the Commission and
at present high water, it is not practicable to visit his
home for the purpose of securing an application. As far
as the records of the Commission show, no application of
any description has ever been made for any of these per-
sons for the purpose of establishing their rights as Choctaw
Indians.

Ira B. Files, 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, April 3rd, 1908, 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 9th day of April, 1908,
at Toles, Mississippi.


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

By  Deputy.

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

-oOo-

In the matter of the application for the identification of
Simon Charlie, et al., as Mississippi Choctaws, M.C.R. 5190.

---: 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 3, 1902, by Teach Jacob, for Simon Charlie, his wife, Mary
Jane Charlie, his three children, Susan Cousin and Tinnie and Martha
Charlie, his minor grand-child, Hoki Cousin, and his minor ward,
Thomas William, 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 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 Simon Charlie, Mary Jane Charlie, Susan Cousin, Tinnie Charlie, Martha Charlie, Hoki Cousin and Thomas William should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Commissioner.

Muskogee, Indian Territory,

MAY 20 1904

MERIDIAN, MISSISSIPPI, October 1, 1903.

Simon Charlie,

Meridian, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on April 3, 1902, application was made for the identification of your

I 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 of 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 the same 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 eight A. M. and six P. M.

Very respectfully,

No.
M C R 5190

Special Agent

Meridian, Mississippi, November 25, 1903.

Simon Charlie,

Mardis, Mississippi.

Dear Sir-

Under date of October 1, 1903, the following letter was written to you:

It appears from the records of the Commission that on April 3, 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 identification, 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 eight a.m. and six 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. 5190

COPY.

Muskogee, Indian Territory, May 20, 1904.

Simon Charlie,

Harris, Mississippi,

Dear Sir:

Enclosed 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 Mary Jane Charlie, and Susan Cousin, Timmie Charlie, Martha Charlie, Hoki Cousin and Thomas William, as Mississippi Choctaws, 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 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. Needles.

Commissioner in Charge.

Registered.

Incl. MCR 5190.

H.C.E. 6190

COPY.

Muskogee, Indian Territory, May 20, 1904.

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission, rendered May 20, 1904, identifying Simon Charlie, Mary Jane Charlie, Susan Cousin, Fannie Charlie, Martha Charlie, Heki Cousin and Thomas William 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. MCF 6190.

W. O. 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. 5190.

WM O BEALL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, May 20, 1904.

Teach Jacob,
Coffadelliah, Mississippi,

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on May 20, 1904, rendered its decision identifying Simon Charlie, Mary Jane Charlie, Susan Cousin, Timmie Charlie, Martha Charlie, Hoki Cousin, and Thomas William 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.

For Identification as a Mississippi Choctaw.

Male *Miss* Date APR 3 1902

Name Simon Charlie

Age 50 Blood full

Post Office, Mardis, Miss

Father: *Suca^{rooche}* Charlie d

Mother: dont know d

Claims through

wife Mary Jane - (full) 50 d

Father Dixon d

Mother *No-rah* " d

For legal wife id

orphans ward

Children:

Tinnie Charlie 12

Martha " 10

Thomas Williams (full) 11

Father Dixon " d

Mother Sittie " " d

Susan Cousin

Hoki "

Stenographer

I. J. Niles

DEPARTMENT OF THE INTERIOR,
DIVISION TO THE FIVE CIVILIZED TRIBES
FILED

SEP - 6 1904

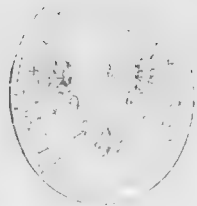
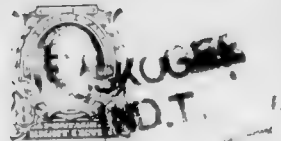
[Handwritten signature]



Department of the Interior.

Commissioner to the Five Civilized Tribes.

MUSKOCOE, IND. TER.



Choctaw MCR 5191

Sallie C. Jackson

See MCR 5058

MCR 5191

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 14, 1908.

5191

In the matter of the application of Sallie C. Jackson for the identification of herself and her eight minor children, James Lee, Henry Franklin, George Alfred, Cora Pearl, Ida E., Ada, Katie and Eddie Miller Jackson, as Mississippi Choctaws.

Applicant not represented by attorney.

Sallie C. Jackson being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sallie C. Jackson.
Q What is your age? A I am forty one years old.
Q What is your post office address? A Walters, Okalahoma.
Q How long have you lived there? A About four months.
Q Where did you live before that? A Ten years in Hillsboro Texas.
I was mostly raised in Ellis County.
Q What State? A Texas.
Q Were you born in Texas? A No sir.
Q Where were you born? A In Tennessee.
Q Where in Tennessee? A Bradford County.
Q How long did you live in Tennessee? A They say I was four years old when I left there, and papa went and stayed a year in Missouri and then went to Texas.
Q You have lived most of your life 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 J.S. Roach.
Q What is your mother's name? A Elizabeth J. Roach.
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 enrolled or recognized in any way as a member of the Choctaw tribe of Indians? A She was enrolled here a while ago.

- Q ghe came here to be identified as a Mississippi Choctaw, did she?
A Yessir.
- Q How long ago? A About two weeks ago, I think.
- Q That is the only application she ever made, is it? A That is all that I know of.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A J.H. Jackson.
- Q Is he living? A Yes sir.
- Q White man or Indian? A White man.
- Q Do you make any claim for him? A No sir.
- Q Have you any children you want to make application for? A I have eight.
- Q All under twenty one? A Yes sir.
- Q Any of them married? A No sir.
- Q What is the name of the oldest? A James Lee Jackson.
- Q How old is he? A Eighteen.
- Q The next? A Henry Franklin.
- Q How old? A Sixteen years.
- Q The next? A George Alfred, fourteen.
- Q The next? A Cora Pearl.
- Q What is her age? A Twelve.
- Q The next? A Elisabeth-- Elizabeth Ida or Ida Elizabeth.
- Q Which is it? A Ida Elizabeth.
- Q Ida E. then is right is it? A Yes sir.
- Q How old is she? A She is ten.
- Q The next? A Ada.
- Q How old? A She is eight.
- Q What is the next? A Katie.
- Q How old is Katie? A She is six.
- Q How the next? A Eddie Miller one year old.
- Q Boy? A Yes sir.
- Q Do you claim for yourself and children? A Yes sir.
- Q Is J.H. Jackson the father of these children? A Yes sir.
- Q Are they all living with you at your home? A Yes sir.
- Q Are you and your husband living together as husband and wife?
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 these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for 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 for yourself and children 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 with your children to citizenship in the Choctaw nation? - No sir.
- Q - 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 Well explain it to me.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of 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 all the Choctaw Indians who lived in that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, West of the Mississippi River. 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 stayed back there in the old Choctaw Nation article fourteen was put into the treaty and then the treaty was signed; afterwards it became 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 this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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 article fourteen of the treaty of 1830? A Yes sir.
- Q You understand that, do you? A Yes, I have read it before.
- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article as read and explained to you? A No sir I don't.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A The McClure side; James McClure was my great-grandfather, so I have been taught.
- Q How much Choctaw blood did he have? A Well, I can't tell you- I
- Q Do you claim all your Choctaw blood in a direct line from this great grandfather, James McClure? A Yes sir.
- Q Well, you claim a sixteenth; how do you arrive at that fact?
- A That's what I have been taught.
- Q How much Choctaw blood has your mother? A The eighth.
- Q She claimed through whom? A Her father.
- Q What was his name? A Wm. McClure.
- Q Did he live in Mississippi or Alabama? A Well, I can't tell you I don't remember; I have never seen my grandfather.
- Q How much Choctaw blood would William McClure have? If his daughter was an eighth-- twice one eighth is one fourth, is that what he had?
- A Yes, it must be because that is what I have always claimed.
- Q William McClure claimed through whom? A His father, James McClure.
- Q If William McClure the son of James McClure had one fourth how much would James have? A He would be a second.
- Q You mean a half? A Yes sir.

- Q You think that is right? A Yes, it seems like it; all I know is what I have been told.
- Q Did James McClure live in the old Choctaw Nation East of the Mississippi River? A Yes I have been told so.
- Q In what State? A In Mississippi.
- Q Did he live in Mississippi in 1830 and was he head of a family there then? A I can't tell you that.
- Q Can you give the names of any of your Choctaw ancestors who lived in the old Choctaw Nation in 1830 and was the head of a family there then? A No sir, I can't.
- Q Your mother claimed through whom? A Her father.
- Q What was his name? A William McClure.
- Q How old would William McClure be if living now? A Well, I can't tell you; I know how old my mother is but my grandfather I can't tell you for I have never seen him.
- Q Did you never hear whether he was an old man when he died or young? A When he died he was an old man.
- Q About how old? A As well as I remember he must have been fifty years old.
- Q When he died? A Yes, his youngest child must be about grown.
- Q Do you know how old he was when he died? A No sir; it is in the old family Bible but I don't know, remember.
- Q Did he ever live in Mississippi? A Yes, I have been told.
- 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 from 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 Well, I can't tell you, because that is before I was born.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? A Well, I can't tell you; my great grandfather had some brothers that went some place.
- Q Well, your great grandfather stayed back in the old Choctaw Nation as far as you know? A Yes, but he had some brothers, but I don't know anything about them.
- Q Did any of your Choctaw ancestors own or claim any benefits of any kind in the old Choctaw Nation in Mississippi or Alabama under the provisions of article fourteen of the treaty of 1830? A Not 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 to go Col. Ward the Indian agent within six months after the ratification of the treaty of 1830 and tell him that they wanted to remain 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 so caused a good many Indians who held land in Mississippi upon which they had improvements to lose both their lands and improvements- they were taken from them by the Government and sold at its Public Land Sale; this caused so many complaints that in 1837 Congress by an act

approved March 3, that year and this Commission 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, 1842, and that Commission also went to Mississippi and heard claimants under article fourteen of the treaty.

Q Did any of your Choctaw ancestors go before either these two Commissions, that of 1837 or 1842 and claim any rights or benefits under article fourteen of the treaty of 1830? A No sir; I don't know.

The act of Congress approved August 23, 1842 provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek and if it also was shown that this Indian had formerly had lands 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 you ever hear that any of your ancestors received any such scrip from the Government as Choctaw Indians? A No sir, I never heard anything of the kind.

Q Did you say that your mother, Elizabeth J. Roach had been before the Commission to make application for identification as a Mississippi Choctaw? A Yes sir.

The case of Elizabeth J. Roach, the mother of this applicant who made an application to be identified as a Mississippi Choctaw before the Commission at Muskogee, April 2, 1902, is here referred to, M.C.R. 5058.

Q Do you want to have the record made in the case of your mother considered with yours and all cases of relatives of yours consolidated with your case and considered with it? A Yes; that would be all right, wouldn't it?

Q Yes. A Well you know more about it than I do; I am green in that Q well, in that way you will get the benefit of what they have testified to. A Yes, put in then.

Q Do you speak Choctaw? A No sir, 'cause I have never been taught that in the English schools.

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

Q Would you like a little time in which to present other testimony if you desire to? A Would I have to come back here? Q No sir;

A Well, yes sir.

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

This applicant has the appearance and physical characteristics of being descended from white parentage; medium fair complexion, hazel eyes and brown hair; she has no knowledge of the Choctaw language and no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

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 14, 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.

C. M. Hill
Notary Public.

Muskogee, Indian Territory, December 2, 1902.

Sallie C. Jackson,
Walters, Oklahoma.

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-first, 1830, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

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

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

Respectfully,

Acting Chairman.

Registered.

93

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 5191

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory. July 14, 1903.

Sallie C. Jackson,
Walters, Oklahoma,

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.

For Identification as a Mississippi Choctaw.

Date APR 11 1902

Name *Sallie C. Jackson*

Age *41* - Blood *1/16*

Post Office, *Walters, Okla.*

Father: *J. S. Roach - l.*

Mother: *Elizabeth J. " l.*

Claims through mother husband.

J. H. Jackson, l.w.

No claim for husband

Children:

<i>James Lee Jackson</i>	<i>18</i>
<i>Berry F. "</i>	<i>16</i>
<i>George A. "</i>	<i>14</i>
<i>Cora Pearl "</i>	<i>12</i>
<i>Ida E. "</i>	<i>10</i>
<i>Ada "</i>	<i>8</i>
<i>Katie "</i>	<i>6</i>
<i>Eddie M. "</i>	<i>1</i>

Claims for self and children

H. G. Train



General Office M. C. R.
 Advising that Sec. of Int. has
 Affirmed Commission's decision

Sallie C. Jackson,



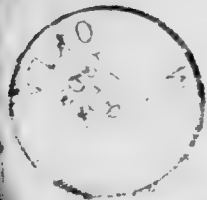
Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, Ind. Terr.
 Official Business.
 Penalty for private use, \$300.

... ..
(... ..)
... ..



RE
JAN 10
MUSKOGEE

7004



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

4525



Sallie C. Jackson,

Walters, Oklahoma.

Choctaw MCR 5192

Clara B. Sykes

See MCR 4843

MCR 5192

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 14, 1902.

5192

In the matter of the application for identification as Mississippi Choctaws of Clara B. Sykes for herself and her minor child, Herbert Ernest Sykes.

F. A. Pierce, attorney; no appearance.

Clara B. Sykes being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Clara B. Sykes.
Q What is your age? A Twenty-two.
Q What is your post office address? A Ft Worth, Texas.
Q Street number? A 1515 Peach Street.
Q How long have you lived in Texas? A Sixteen years. (prompted)
Q Where were you born? a South Carolina.
Q Removed from there to Texas? A Yes, sir.
Q How long have you lived in Fort Worth? A No answer.
Q Is your father living? A No, sir.
Q Your mother is living? A Yes, sir.
Q What was your father's name? A F. M. Pope.
Q What is your mother's name? A Mary O. Pope.
Q You claim your Choctaw blood through your mother? A Yes, sir.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q She has made application to be identified as a Mississippi Choctaw? A Yes, sir.
Q Recently? A Yes, sir.
Q You want to have the testimony given by her in her case considered with yours? A Yes, sir.
Q There are other relatives of yours who claim through the same common ancestor who have applied? A Yes, sir.
Q You want all of these cases considered with yours I presume? A Yes, sir.

The application of Mary O. Pope, is here referred to. M.C.R/4843.

- 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 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

#2

- Territory? A No, sir.
- Q Are you married? A Yes, sir.
- Q Q What is your husband's name? A W. L. Sykes,--Walter Sykes.
- Q Q He is living? A Yes, sir.
- Q Q Is he an Indian or white man? A He is a white man.
- Q Q You make no claim for him? A No, sir.
- Q Q Have you any children you want to make application for? A One.
- Q Q What is the name of that child? A Herbert Ernest.
- Q Q How old is he? A Six months old.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A No, sir I do not.

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 of September 1830. The object of that treaty was to secure the removal of all 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 Indians who stayed back there 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. 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 if Choctaw Indians complied or attempted to comply in any way with the provisions of that article? A No, sir I don't know.
- Q You understand that now; that is well enough to claim under it? A Yes, sir.
- Q Well the annuity referred to in article fourteen means simply the money payments that were made annually to the members of the Choctaw tribe who first went from Mississippi and Alabama, from the old Choctaw Nation, to the Choctaw Nation, Indian Territory. It was an annual payment of money to these Indians to enable them to exist for the first few years after their removal. They had to purchase seed, spend money for different purposes and having no money it was necessary that they should be supplied by the government.

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Rachel Davis.
- Q What relation to you was she? A She was my great-great grandmother.
- Q Did she live in Mississippi? A Yes, sir.
- Q Did she live there in 1830? A Yes, so I have been told.
- Q How much Choctaw blood did she have? A She was a full blood.
- Q You learned that in the family did you? A Yes, sir.
- Q Did she live in Mississippi in 1830 and was she the head of a family there then? in other words did she have children living with her then? A I don't know.
- Q Have you ever heard so in the family? A No, sir.
- Q Do you know of any other Choctaw ancestor who did live in Mississippi in 1830 and have a family there then? A No, sir.
- Q You claim through your mother do you? A Yes, sir.
- Q Where was your mother born? A She was born in Texas.
- Q She claims through whom her father or mother? A Her father.
- Q What was his name? A Daniel B. Lewis.
- Q Did he ever live in Mississippi? A Yes, sir.
- Q How old would he be if living now? A Eighty-seven.
- Q Was he born in Mississippi? A No, sir (prompted by mother of applicant) --in South Carolina.
- Q He removed from South Carolina to Mississippi? A Yes, sir.
- Q He claims through whom, his father or mother? A His mother.
- Q Did she live in Mississippi? A Yes, sir; (prompted by mother) ---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 Colonel Ward who had an office in Mississippi in 1830 and 1831 and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors to your knowledge 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 that either.
- Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation in Mississippi and Alabama under article fourteen of the treaty of 1830? A I don't know (prompted by mother)

The Choctaw Indians who stayed in Mississippi and Alabama in the old Choctaw Nation East of the Mississippi River, refusing to go to the Choctaw Nation Indian Territory with the other Indians under the treaty of 1830 were required if they wanted to take advantage of 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 and his neglect to make a proper registration of these applicants who claimed rights under article fourteen of the treaty of 1830, caused a good many Indians who had land in Mississippi upon which they had improvements to lose them both; their land and 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 a Commission was appointed by Congress which 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, of that year. This commission also went to Mississippi and heard claimants under article fourteen of that treaty of 1830.

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? 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 which the government had taken from him and sold, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip/

Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.

Q Have you any evidence of any kind that you would like to introduce at this time or any witnesses that you would like to call before the Commission? A No, sir.

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

This applicant has the appearance and physical characteristics of being descended from white parentage; fair complexion; blue eyes; brown hair.

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

He has no knowledge of the Choctaw language and no knowledge of compliance on the part of 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 14, 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 6th day of May 1902.

[Signature]

Notary Public.

Muskogee, Indian Territory, December 17, 1902.

Clara B. Sykes,
Fort Worth, Texas.

Dear Madam:-

You are hereby advised that on the 17th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Ophelia Pope, et al., embracing the following applications for identification as Mississippi

Choctaws:

Mary Ophelia Sykes, et al.,	M.C.R. 4843
Annie Findley, et al.,	M.C.R. 3561
William H. Lewis, et al.,	M.C.R. 2757
Daniel B. Lewis, et al.,	M.C.R. 2758
Ida Lewis,	M.C.R. 2256
Lewis B. Pope,	M.C.R. 5193
Clara B. Sykes, et al.,	M.C.R. 5192
Bertha A. Lewis,	M.C.R. 5194

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

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

Clara B. Sykes-2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Ophelia Pope, Francis M. Pope, Charlie Pope, Sadie Pope, Allie Pope, Annie Findley, Bernard Findley, Don Findley, Leger Findley, William H. Lewis, Minnie A. Lewis, Delbert H. Lewis, Daniel B. Lewis, Bertha May Lewis, Ida Lewis, Lewis B. Pope, Clara B. Sykes, Herbert Ernest Sykes and Bertha A. Lewis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,


Acting Chairman.

Registered.

Muskogee, Indian Territory, May 22, 1903.

Clara B. Sykes,
Fort Worth, Texas.

Dear Madam:

The Secretary of the Interior with his letter of May 12, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary Ophelia Pope, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

The record in this case shows that the applicants claim Choctaw descent from Rachel Davis, an alleged full blood Choctaw.

The Secretary of the Interior in his letter states:

"From your decision it appears that there was a Rachel Davis who attempted to comply with the provisions of article 14 of the treaty of September 27, 1830.

It further appears from the records of the Indian Office that there was a person named Davis who received scrip under said article.

You rejected the applicants because the testimony furnished by them did not show that the ancestors from whom they claim descent were identical in person with the beneficiaries aforesaid of the same name."

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

C B S

1st. Their description.

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

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

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

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

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

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

C B S 3

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, June 23, 1905, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep
Registered

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. O. R. 5198.

ALLISON L. AYLESWORTH,
SECRETARY

Muskogee, Indian Territory, December 5, 1908.

Clara B. Sykes,
Fort Worth, Texas.

Dear Madam:

You are hereby notified that on the 26th day of November, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Ophelia Pope et al., of which decision you were advised by registered mail on the 17th day of December, 1908.

Respectfully,

Chairman.

No

5192

For Identification as a Mississippi Choctaw.

Date

APR 11 1912

Name Clara B. Sykes.

Age 22 - Blood 1/16

Post Office, Fort Worth, Texas

Father: F. M. Pope, 1515 Peach St. d.

Mother: Mary O. Pope, l.

Claims through mother -

husband

W. L. Sykes, l. w.

No claim for husband.

Children:

Herbert E. Sykes, 6 m

Claims for each
and should

Stenographer

L. Rosemond

RECEIVED
JAN 11 1903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 28 1903



CHAIRMAN

FORT WORTH
DEC 9
8 30 A
1903
TEXAS

Ms. 6 R
5192
116

Clara B. Sykes,
Fort Worth, Texas.

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

MUSKOGEE
DEC 15 1890

RECEIVED
F. P. T. J. 11
1030AM
M

Choctaw MCR 5193

Lewis B. Pope

See MCR 4843

MCR 5193

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 14, 1902.

5193

In the matter of the application of Lewis B. Pope for identification as a Mississippi Choctaw.

F.E.Pierce, att'y for applicant.

Lewis B. Pope being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lewis Pope.
Q L-e-w-i-s? A Yes sir.
Q And middle name? A Daniel, ain't it?--(somebody says it is Brunna
Q Well, is it Lewis B.? A Yes sir.
Q What is your age? A Twenty three.
Q What is your post office address? A Ft. Worth, Texas.
Q How long have you lived there? A Nine years.
Q Where were you born? A Texas.
Q What place? A Rusk.
Q Ever live any where except the State of Texas? A Yes, the State
of South Carolina.
Q You moved from Texas to South Carolina? A Yes sir.
Q Lived there how long? A Eight years.
Q Then returned to Texas? A Yes sir.
Q What place in South Carolina? A Longtown.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A F.M.Pope.
Q What is your mother's name? A Mary O. Pope.
Q Through whom do you claim your Choctaw blood? A Mother.
Q How much do you claim? A A sixteenth.
Q Was your mother ever recognized in any way or enrolled as a
member of the Choctaw tribe of Indians by either the Choctaw tribal

authorities or the authorities of the United States in the Indian Territory? A No sir.

Q Are you married? A No sir.

Q You make claim for just yourself? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

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 Is this the first application of any kind that you have ever made for citizenship in the Choctaw Nation to any authority whatever?

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 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? A No sir.

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 that year, and was ratified later on the 24th February, 1831; the object of the treaty was as far as practicable all the Choctaw Indians from the old Choctaw Nation East of the Mississippi River to the Territory afterwards occupied by the Choctaw Indians in the Indian Territory; before the treaty could be signed or was signed it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory and in order to protect the interests of those Choctaws who elected to stay back in the old Choctaw Nation this article 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 a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity.."

Q Do you think you understand that article now? A I guess so; I think I do.

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Rachel Davis.
- Q Do you know whether any of your ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No I don't.
- Q Was your mother's name Mary O. Pope? A Yes sir.
- Q She made application to be identified as a Mississippi Choctaw before the Commission recently? A Yes sir.
- Q Do you want to have her case consolidated with yours and with the other cases where they claim through the same common ancestor? A Yes sir.

The case of Mary O. Pope M.C.R. 4843 is here referred to and made a part of this application.

- Q How much Choctaw blood did Rachel Davis have? A Full blood.
- Q Did she live in Mississippi in 1830? A I can't say for sure.
- Q You understand it so? A Yes sir.
- Q Where did you hear-- how did you learn that she lived in Mississippi in 1830? A I heard people speak of it.
- Q Members of the family? A Yes sir.
- Q Did she have a family of children in 1830 in Mississippi? A I don't know.
- Q Don't you know whether she was head of a family there then? A No sir.
- Q Can you give the name of any Choctaw ancestor who was the head of a family in Mississippi or Alabama in 1830? A No sir.
- Q Your mother claims through whom? A Father.
- Q How old would her father be if living now? A Eighty seven.
- Q What was his name? A Daniel B. Lewis.
- Q Did he live in Mississippi? A No sir--(prompted, he says yes.)
- Q Was he born in Mississippi? A No sir.
- Q He claimed through whom, his father or mother? A Mother,(prompted)
- Q What was his mother's name? A I don't know.
- Q Did any of your Choctaw ancestors claim or own any improvements on land in Mississippi or Alabama in 1830? A Not as I 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 No sir; not that I know.
- Q Did you ever hear that any of your Choctaw ancestors went 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 your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of Dancing Rabbit Creek? 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 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 or within six months after February 24, 1831, 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; it is estimated that some 7000 refused to go to the Territory with the other Indians under the treaty. Of that number the list made by Col. Ward shows that only about 143 heads of families were registered. This number of Choctaws was contained on three different lists made by Col. Ward, only one of which is the authenticated list, and which contains only 71 heads of families; Ward's neglect to make a proper register of these different claimants under article fourteen caused a good many who had lands and improvements in Mississippi to lose both for they were taken from them by the Government and sold at Public Land Sale; this caused a good many complaints among the Indians so 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 by Congress approved August 23, that year, and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

Q Did any of your Choctaw ancestors to your knowledge go before either of these two Commissions and claim benefits under article fourteen of that treaty? 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 if it also appeared that he had formerly had land in the old Choctaw Nation which the Government had taken from them 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 certificates to that effect should be given him; called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A Not as I know of.

Q Have you any other testimony or evidence that you want to introduce now? A No sir.

Q Do you care for any time in which to introduce other testimony? A No sir. -(Somebody tells him he wants more time and he says certainly yessir.)

Reasonable time will be allowed this applicant in which to introduce other proper testimony if he desires.)

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

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

This applicant has the appearance and physical characteristics of

being descended from white parentage; blue eyes, fair complexion, light hair. He has no knowledge of the Choctaw language and no knowledge of the compliance by 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 14, 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.

Wm. H. Wood

Notary Public.

COPY

Muskogee, Indian Territory, December 17, 1902.

Lewis B. Pope,
Fort Worth, Texas.

Dear Sir:

You are hereby advised that on the 17th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Ophelia Pope, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Ophelia Pope, et al.,	M.C.R. 4843
Annie Findley, et al.,	M.C.R. 3561
William H. Lewis, et al.,	M.C.R. 2757
Daniel B. Lewis, et al.,	M.C.R. 2758
Ida Lewis,	M.C.R. 2256
Lewis B. Pope,	M.C.R. 5193
Clara B. Sykes, et al.,	M.C.R. 5192
Bertha A. Lewis,	M.C.R. 5194

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

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

Said decision concludes as follows:

Lewis B. Pope-2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Ophelia Pope, Francis M. Pope, Charlie Pope, Sadie Pope, Allie Pope, Annie Findley, Bernard Findley, Don Findley, Leger Findley, William H. Lewis, Minnie A. Lewis, Delbert H. Lewis, Daniel B. Lewis, Bertha May Lewis, Ida Lewis, Lewis B. Pope, Clara B. Sykes, Herbert Ernest Sykes and Bertha A. Lewis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Wm. H. King
Acting Chairman.

Registered.

Muskogee, Indian Territory, May 22, 1903.

Lewis B. Pope,
Fort Worth, Texas.

Dear Sir:

The Secretary of the Interior with his letter of May 12, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary Ophelia Pope, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

The record in this case shows that the applicants claim Choctaw descent from Rachel Davis, an alleged full blood Choctaw.

The Secretary of the Interior in his letter states:

"From your decision it appears that there was a Rachel Davis who attempted to comply with the provisions of article 14 of the treaty of September 27, 1830.

It further appears from the records of the Indian Office that there was a person named Davis who received scrip under said article.

You rejected the applicants because the testimony furnished by them did not show that the ancestors from whom they claim descent were identical in person with the beneficiaries aforesaid of the same name."

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

L B P 2

1st. Their description.

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

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

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

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

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

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

L B P 3

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, June 23, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

R & R Dep
Registered

Chairman.

COPY:

M.C.R. 5195.

Muskogee, Indian Territory, December 5, 1903.

Lewis B. Pope,
Fort Worth, Texas.

Dear Sir:

You are hereby notified that on the 26th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Ophelia Pope et al., of which decision you were advised by registered mail on the 17th day of December, 1902.

Respectfully,

Jams Dixey
Chairman.

For Identification as a Mississippi Choctaw.

Date APR 14 1902

Name Lewis B. Pope

Age 23, Blood 1/16

Post Office, Fort Worth, Texas.

Father: F. M. Pope, d

Mother: Mary O. Pope, l;

Claims through mother.



~~Children:~~

Claims for self alone

Stenographer H. L. Hains,

Choctaw MCR 5194

Bertha A. Lewis

See MCR 4843

MCR 5194

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 14, 1902.

5194

In the matter of the application of Bertha A. Lewis for identification as a Mississippi Choctaw.

F.E. Pierce attorney for applicant.

Bertha A. Lewis being duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Bertha A. Lewis.
Q What is your age? A Twenty.
Q What is your post office address? A Ft. Worth Texas.
Q What is the number and Street? A 1204 Julian St.
Q Were you born in Texas? A No sir, South Carolina.
Q Where in South Carolina. A Longtown.
Q How long did you live in South Carolina? A Six years.
Q And from South Carolina you went where? A Texas.
Q Have you lived in Texas since? A Yes sir.
Q And in Ft. Worth how long? A Nine years.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q Through which parent do you claim your Choctaw blood? A My mother
Q How much Choctaw blood do you claim? A A sixteenth.
Q What is your father's name? A Francis M. Pope
Q What is your mother's name? A Mary Pope, isn't it? A Yes sir.
Q Well, your father's is F.M. isn't it? A Yes sir.
Q Your mother made application to be identified as a Mississippi
Choctaw before the Commission here at Muskogee, a few days ago, did
she not? A Yes sir.
Q Has your mother ever been recognized as a Choctaw Indian or en-
rolled as such by either the Choctaw tribal authorities or the author-
ities of the United States in the Indian Territory? A No sir.

- Q Are you married? A Yes sir.
- Q Is your husband a Choctaw or white man? A White man.
- Q He is living is he? A Yes sir.
- Q Do you make any claim for him? A No sir.
- Q What was his name? A G.H.Lewis.
- Q Have you any others in your family that you want to make application for? A No sir.
- Q You claim for yourself alone, then do you? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever before this date ever made application to any authority whatever either of the United States or the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Courts 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 believe I do.
- Q You understand what a treaty is, don't you? A Yes sir.

A treaty is a compact in writing between two or more nations instead of an agreement in writing between persons or corporations; it is called a treaty because made between Nations and is signed by all the representatives that are party to it. Such a treaty as that was made between the United States and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th September 1830, and the principal object of the treaty was the removal of all the Choctaw Indians who lived in the old Choctaw Nation East of the Mississippi River from that Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many 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 on the 24th day of February, 1831; 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? A Yes sir.
- 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 Rachel Davis.
- Q Did she speak the Choctaw language? A I don't think she did; I don't know.
- Q Did she have a Choctaw Indian name? A No sir.
- Q So- did she live in Mississippi? A Yes sir.
- Q All her life? A I don't know that.
- Q How old would she be if living now? A I don't know.
- Q Did she live in Mississippi in 1830? A I don't know that.
- Q Did you ever hear that any of your Choctaw ancestors lived in Mississippi in 1830 and have a family of children there then? A No sir.
- Q Can you give the name of any Choctaw ancestor of yours who lived in Mississippi or Alabama in 1830 and was the head of a family there then? A No sir.
- Q You claim through your mother? A Yes sir.
- Q How old is your mother now? A Forty five.
- Q Was she born in Texas? A Yes sir.
- Q She claims through which parent? A Her father.
- Q What was his name? A Daniel B. Lewis.
- Q Where was he born? A South Carolina-- Mississippi-- no sir--
- Q Did he ever live in Mississippi? A I don't know.
- Q He claimed through whom? A His mother.
- Q Did his mother live in Mississippi? A Yes sir.
- Q What was her name? A Betsey Brummitt.
- Q Did she live in Mississippi? A Yes sir.
- Q Did she live there in 1830? A I don't know.
- Q And she claimed through Rachel Davis? A Yes sir.
- Q She was Rachel's Davis' daughter, was she? A Yes sir.
- Q Now of all these ancestors whose names you have given from yours back in a direct line to Rachel Davis can you tell which if any lived in Mississippi in 1830? And had a family there then? 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 (Prompted.)
- Q You don't know, then, if any of your ancestors did own any improvements on land in Mississippi or Alabama in 1830? A No sir, I don't.
- Q Do you know if any of your Choctaw ancestors went from that old

Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838? A No sir.

Q Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A No sir.

Q well, do you know whether they did or not? A No sir I don't.

Q do you want your answer to be you don't know or do you want to say positively they didn't? A I just say I don't know.

Q Did any of your Choctaw ancestors own any land in the old Choctaw Nation East of the Mississippi River under article fourteen of the treaty of 1830? A Not as 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 remain and take advantage of the fourteenth article 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 remain in Mississippi, take land there and become citizens of the States, - in other words wanted to take advantage of that article of that treaty. A good many Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register and his neglect caused many Indians who had lands in Mississippi and improvements thereon to lose both - both were taken from them by the Government and sold at Public Land Sale; this caused a good many complaints among the Indians so that in 1837 by an act approved March 3, 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 for the same purpose; and this Commission also went to Mississippi, and heard claimants under that article.

Q Did any of your Choctaw ancestors go before either the Commission of 1837 or that of 1842 and claim benefits as Choctaw Indians under that article of that treaty? A Not as I know of.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty and if it further appeared that he had land in Mississippi which the Government had taken from him and sold that he should be entitled to select land in Mississippi, Alabama, 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 No sir.
Q Do you know whether they did or not? A I don't know.
Q Then your answer is you don't know? A That's it.
Q Who is Mary O. Pope? A -
Q Your mother? A Yes sir.
Q She has made application to be identified as a Mississippi Choctaw? A Yes sir.
Q Do you want to have her case consolidated with yours and with all other applicants who are kin of yours claiming the right to be identified as Mississippi Choctaws? A Yes sir.

The application of Mary O. Pope for identification as a Mississippi Choctaw, M.C.R. 4843 is here referred to.

- Q Have you any other evidence you want to present now in support of this claim? A No sir.
Q Do you care for any time in which to present other evidence in support of this claim? A Yes sir.

reasonable time is allowed for this purpose.

- Q Do you speak 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; light complexion, blue eyes, brown hair. She has no knowledge of the Choctaw language and no knowledge of the compliance by 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 14, 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 6th day of May, 1902.

W. W. H. H. H.

Notary Public.

Muskogee, Indian Territory, December 17, 1902.

Bertha A. Lewis,
Fort Worth, Texas.

Dear Madam:

You are hereby advised that on the 17th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Ophelia Pope, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Ophelia Pope, et al.,	M.C.R. 4843
Annie Findley, et al.,	M.C.R. 3561
William H. Lewis, et al.,	M.C.R. 2757
Daniel B. Lewis, et al.,	M.C.R. 2758
Ida Lewis,	M.C.R. 2256
Lewis B. Pope,	M.C.R. 5193
Clara B. Sykes, et al.,	M.C.R. 5192
Bertha A. Lewis,	M.C.R. 5194

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 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:

Bertha A. Lewis-2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Ophelia Pope, Francis M. Pope, Charlie Pope, Sadie Pope, Allie Pope, Annie Findley, Bernard Findley, Don Findley, Leger Findley, William H. Lewis, Minnie A. Lewis, Delbert H. Lewis, Daniel B. Lewis, Bertha May Lewis, Ida Lewis, Lewis B. Pope, Clara B. Sykes, Herbert Ernest Sykes and Bertha A. Lewis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Acting Chairman.

Registered.

Muskogee, Indian Territory, May 22, 1903.

Bertha A. Lewis,
Fort Worth, Texas.

Dear Madam:

The Secretary of the Interior with his letter of May 12, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary Ophelia Pope, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

The record in this case shows that the applicants claim Choctaw descent from Rachel Davis, an alleged full blood Choctaw.

The Secretary of the Interior in his letter states:

"From your decision it appears that there was a Rachel Davis who attempted to comply with the provisions of article 14 of the treaty of September 27, 1830.

It further appears from the records of the Indian Office that there was a person named Davis who received scrip under said

B A L 2

1st. Their description.

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

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

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

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

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

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

B A L 3

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, June 23, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep
Registered

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. O. R. 5194.

ALLISON L. AYLESWORTH,
SECRETARY

Muskogee, Indian Territory, December 5, 1903.

Bertha A. Lewis,
Fort Worth, Texas.

Dear Madam:

You are hereby notified that on the 26th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Ophelia Pope et al., of which decision you were advised by registered mail on the 17th day of December, 1902.

Respectfully,

Chairman.

No. 2494

For Identification as a Mississippi Choctaw.

Date APR 11 1902

Name Bertha A. Lewis,

Age 20 — Blood K6

Post Office, Fort Worth, Texas,

1204 Julian St.
Father: F. M. Pope d

Mother: Mary O. Pope, l.

Claims through Mother

Husband

G. H. Lewis, l.w.

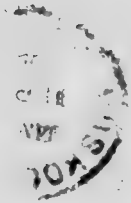
No claim for husband

~~Children:~~

Claims for self
alone

Stenographer

H. L. Haines



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

FILED

JAN 18 1884

CHAIRMAN

5194

Department of the Interior

Commissioner to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

~~Pertha A. Lewis~~

~~Fort Worth, Texas.~~

UP
11 1030AM
1909

Choctaw MCR 5195

Mary J. Deering

See MCR 5929, 6096

MCR 5195

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

---0---

In the matter of the application of Mary J. Deering, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Mary J. Deering, et al	M.C.R. 8195
Stephen Frank Castleman, et al	" 8929
Sallie M. Kidd, et al	" 8096

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Mary J. Deering, et al.

	(Page)
Original application of Mary J. Deering, et al., before the Dawes Commission for identification as Mississippi Choctaws	1
Notice to take depositions	6
Sworn application of Mary J. Deering for commission to take depositions	7
Commission to take depositions	8
Caption of depositions	9
Interrogatories to be propounded to George R. Yeakum	10
Answers of George R. Yeakum to direct interrogatories ..	12
Cross interrogatories to be propounded to George R. Yeakum	13
Certificates of Notary	20

(Page)

Envelope in which deposition of George R. Yeakum was transmitted to the Commission	22
Testimony of George W. Hanks before the Commission	23
Original application of Stephen Frank Castleman, et al., before the Dawes Commission for identification as Mississippi Choctaws	26
Marriage certificate of S. F. Castleman and M. E. Wilson	33
Original application of Sallie M. Kidd, et al., before the Dawes Commission for identification as Mississippi Choctaws	34
Decision of the Commission refusing the consolidated application of Mary J. Deering, et al., for identification as Mississippi Choctaws	41

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 15, 1902.

5195

In the matter of the application of Mary J. Deering for the identification of herself and her four minor children, Louis F., Ada J., Emmet L. and John A. Deering, as Mississippi Choctaws.

F. E. Pierce attorney for applicant.

Mary J. Deering being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary J. Deering.
Q What is your age? A Forty six.
Q What is your post office address? A Marysville, Cooke County, Texas.
Q How long have you lived there? A We come to that County in December last.
Q How long have you lived in Texas? A About twenty six years.
Q Where were you born? A In Arkansas.
Q At what place in Arkansas? A I can't tell you.
Q From Arkansas did you go to Texas? A No sir; my father traveled around; he went from Arkansas back to Mississippi where they was married and then back to Kentucky and then to Missouri and from Missouri to 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 James L. Castleman.
Q What was your mother's name? A Nancy Yacumbee) spelling it.
Q That was her maiden name? A Yes sir.
Q But it is now Castleman? A Yes sir.
Q You claim through which parent, father or mother? A My mother.
Q How much Choctaw blood do you claim? A Well, I really don't know how much.
Q How much was your mother? A I reckon she was about a third; I don't know exactly.

- 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 not as I know of.
- Q Have you a husband living? A Yes sir.
- Q White man or Indian? A Just a white man.
- Q What is the name of your husband? A John J. Deering.
- Q You don't make any claim for your husband do you? A No sir.
- Q Have you any children that you want to make application for under twenty one and unmarried? A Yes, I have four.
- Q What is the name of the oldest? A Louis F. Deering.
- Q How old is he? A He is twenty.
- Q The next? A Ada J.
- Q How old? A Fourteen.
- Q The next? A Emmitt L.
- Q How old is he? A He is twelve.
- Q The next? A John A. four years old.
- Q Is that all? A Yes sir.
- Q You claim for yourself and these children, do you? A Yes sir.
- Q Is John J. Deering the father of these children? A Yes sir.
- Q And you are the mother? A Yes sir.
- Q You and your husband are living w together as husband and wife? A Yes sir.
- Q And the children are living with you? A Yes sir.
- Q Were either of 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.
- Q Have you ever made application for yourself and children to the Choctaw tribal authorities in the Indian Territory for citizenship in the Choctaw Nation? 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, for yourself and children? A No sir.
- Q Have you ever previous to this time made application for citizenship in the Choctaw Nation to any authority whatever? 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 and to identify these children as Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Don't you understand that article? A No sir.
- Q Did you ever hear of article fourteen of the treaty of 1830 or of the treaty of 1830? A Yes I have heard of it.
- Q You understand what a treaty is, don't you? A I reckon so.
- Q It is an agreement in writing made between Nations instead of people; such a treaty as that was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September 1830. The object

of that treaty was the removal of all the Choctaw Indians from the Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, Before the treaty was signed it became known that a good many Indians would refuse to go to the Choctaw Nation, Indian Territory; some provision was necessary for them and that provision was made in that article; it 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 Do you understand that now, do you think? A I think I do.
Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of article fourteen of that treaty? 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? A Yacumbee
Q You claim through your mother, do you? A Yes sir.
Q Nancy Castleman? A Yes sir.
Q Her maiden name was what? A Yacumbbee--(spelling it), was both her Indian and maiden name.
Q How much Choctaw blood did she have? A I really can't tell you.
Q What relation was she to you? A My mother.
Q Did she live in Mississippi? A Yes sir.
Q Did she live there in 1830? A I guess she was born that year there; that's about her age.
Q Now did she claim through her father or mother? A Father.
Q What was his name? A John Yacumbbee.
Q Well, he is the one you are claiming through then? A Yes sir.
Q He was living in Mississippi in 1830 and had a family there then-- in other words he was head of a family there then? A Yes sir.
Q And one of his children was your mother Nancy? A Yes sir.
Q Did he have any children that were older than Nancy at that time? A Yes, as well, as I remember there was three.
Q How old would John Yacumbbee be if living now? A I can't tell you that, of course I have heard mother say years ago.
Q How old would your mother, Nancy be if living now? A About 72 I think; she's been dead about six years and was 66 when she died.
Q Have you had any relatives who have been before this Commission to be identified as Mississippi Choctaws? A Not that I know of.
Q Do you know whether John Yacumbbee or his daughter spoke the Choctaw language either of them? A I don't know; I think he did but 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 never heard of it if they did.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians in 1833 to 1838 or 1840? A Not that I know of.

Q Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay 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 under article fourteen of the treaty of 1830? A I never heard of it if they did.

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 that treaty to go to the United States Indian agent, Col. Ward, at his agency in Mississippi within six months from the ratification of the treaty and signify to him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians did this under the provisions of article fourteen whose names Col. Ward failed to put upon his list known as Ward's Register; his failure to do so caused a great many Indians who had land in Mississippi and Alabama in the old Choctaw nation to lose that land and the improvements they had upon it- both were taken from them by the Government and sold at Public Land Sale- so many complaints were made that in 1837 by an act approved March 3, 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 also went to Mississippi and heard claimants under that article.

Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians under that fourteenth article? A I don't know.

The act of Congress approved August 25, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of that treaty and if it also further appeared that he had had land in taken from him by the Government and sold at Public Land Sale that he should be entitled to select land in either Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and his right to make this selection should be evidenced by certificates or scrip issued to him by the Government.

Q Did any of your Choctaw ancestors receive any such scrip from the Government? A Not that I know of.

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

Q Have you any other evidence you want to introduce at this day or any witnesses you want to call? A Not today.

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 introduce proper evidence if she desires in further support of this claim for the identification of herself and her minor children.)

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

This applicant has the appearance and physical characteristics of being descended from white parentage; medium dark complexion, brown eyes, black 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 ~~testify~~ 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 15, 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 7 day of May, 1902.

Charles H. Sawyer
Notary Public.

Department of the Interior.
 Commission to the Five Civilized Tribes.
 Muskegee, Indian Territory, July 29, 1902.

In the matter of the application of Mary J. Deering et al.
 for identification as Mississippi Choctaws.

George W. Hanks a witness being first duly sworn testified
 as follows:

Examination by the Commission:

- Q What is your name? A George W. Hanks.
 Q H-a-n-k-s? A Yes sir.
 Q How old are you Mr Hanks? A I will be sixty seven years old
 in December.
 Q What is your post office address? A Sneed I.T.
 Q S-n-e-e-d or e-a-d? A S-n-e-e-d.
 Q How long have you lived in the Indian Territory? A Thir-
 teen years.
 Q What nation? A Chickasaw.
 Q Where did you live before that? A Texas.
 Q How long? A I moved there in '69.
 Q Where from? A Mississippi
 Q What county? A DeSoto County.
 Q Were you born and raised there? A No sir.
 Q What county? A I was born in Indiana.
 Q How long did you live there? A I was quite a small boy
 when I left there.
 Q And went to Mississippi? A No sir went from there to
 Texas and from Texas back to Arkansas and from Arkansas
 to Mississippi and Mississippi is where I married.
 Q What's your occupation? A Farming.
 Q Are you acquainted with one Mary J. Deering? A Yes sir; I
 was acquainted with her when she was a small girl; my wife
 and her mother were sisters but I never knew them any more
 until here the last two or three years; we got separated.
 Q Where does Mary J. Deering live now? A In Texas over in
 Montague I believe.
 Q About how old a woman is she? A Well sir she's about
 forty six years old I reckon.
 Q Where was she born? A She was born in Arkansas.
 Q Do you know anything about her having Choctaw blood.
 A Well I will tell you about all I know; after I married -
 they went by the name of Yecum and sometime after I married
 this G.R.Yecum told me that their name was Ye-cumbe .
 Q How would you spell that? A I cant tell you.
 Q Ya-cumbe I suppose. A Now that's all I know it; they said
 they claimed to be part Indian.
 Q Did he tell you what kind of Indian he was? A No sir.
 Q G.R.Yecum referred to by you is what relation to your wife?
 A They are full brother and sister.
 Q What was the name of Mary J. Deering's mother? A Her
 mother; she was a Yecum.
 Q Her given name? A Her name was -- I cant call her name.
 Q Who did she marry? A She married a Castleman.
 Q His given name? A Jim .
 Q Would you know Mary's mother's name if you should hear
 it pronounced? A Yes sir I reckon I would.
 Q Was it Emma? A I dont think it was.
 Q Was it Nancy? A I declare I dont know whether that's the
 name or not. It's been a long time since I seen her; she's

- been dead a long time.
- Q How old would Mary's mother be if living now? A I guess she would be somewhere about seventy years old.
- Q She was older than you? A Yes sir.
- Q Where was she born? A She was born in Mississippi
- Q What county? A I think it's Tippah County; I wont be certain about it.
- Q You dont remember the year in which she was born? A No.
- Q Do you know through which one of her parents she got her Choctaw blood? A Her father.
- Q What was his name? A John Yocum.
- Q Were you acquainted with him? A I wasn't a acquainted with him long before I was married into the family; I married one of his daughter's.
- Q When did John die? A He died in about '78 I think.
- Q About how old a man was he at that time? A He was somewhere up in '70.
- Q He was born then about the year 1800 you think do you?
- A Well I cant tell that; I dont know about it.
- Q Was Mary's nether the oldest child? A She was the oldest child.
- Q Then she would be something over seventy if she were living now? A Yes s'r.
- Q Do you know how much Choctaw blood this man John Yocum had?
- A No sir.
- Q When you married into the family did you know they had Indian blood A No sir.
- Q You thought they were white people did you? A Yes sir never knew anything about it until sometime after that this oldest boy told me that their right name was Ya-cuaba; that they was part Indian.
- Q Did John Yocum have the appearance of an Indian? A Nothing more than he had high cheek bones, tolerable long face.
- Q Didn't speak the Indian language did he? A No.
- Q Associated entirely with the white people did he not ?
- A Yes sir.
- Q Do you know the names of his parents? A No I dont know the names of his father-- I think his father's name was John and his mother I cant tell you what she was before she married; I know that she afterwards married Ballew.
- Q Do you know whether John's mother had any Choctaw blood; this woman who married Ballew? A I dont know..
- Q You never heard of her having any did you? A No.

In the year 1830 a treaty was entered into in the state of Mississippi at a place called Dand ng Rabbit Creek, between the government of the United States and the Choctaw tribe of Indians; that was probably five years before you were born; at the time this treaty was made the Choctaws lived in Mississippi there in central and southern Mississippi and along the western edge of the state of Alabama and the government of the United States was anxious to get those Indians to move out west of the Mississippi river to a new country in order that this state of Mississippi might be settled up by the whites; that was the object of the treaty to get those Indians to move out west of the Mississippi to this new country part of which is now occupied by the greater portion of the Choctaws and Chickasaws and is known as the Choctaw Chickasaw country in Indian territory; at the time the treaty was made some of those Indians were unwilling to leave the old nation and for the benefit of those the

insisted upon being permitted to remain there what is known as article fourteen was put into the treaty; that fourteenth article provided that upon certain conditions Choctaws who insisted upon being permitted to remain back in the old nation might receive land back there from the government; it is as follows.

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

- Q I have quoted to you now in full the fourteenth article of the treaty of Dancing Rabbit Creek; did you ever hear this man John Youm or John Youmbeaspeak of the treaty of Dancing Rabbit Creek? A No sir.
- Q Never heard him speak of the fourteenth article? A No sir.
- Q When was it Mr Hanks that you first heard this family had Choctaw blood? A It was soon after I married into the family; that was in '58; it was but a short time after I married into the family.
- Q Did you ever heard how much Choctaw blood John Youm had? A No sir.
- Q You have no idea how much he claimed? A No sir I dont have a bit of idea in the world; not a bit more than you do.
- Q Did you ever hear of any of the ancestors of your first wife owning an improvement in Mississippi in 1830 about three years before you were born? A No sir.
- Q You dont know whether they lived there at that time? A No sir.
- Q Do you know whether any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay there and become citizens of the states and take land? A No sir.
- Q Did any of them remove out to this country between the years 1833 and 1838? A Not that I know of.
- Q Did any of them claim or receive any land back in Mississippi from the government under this fourteenth article of the treaty of Dancing Rabbit Creek? A I dont know.
- Q You never heard of them receiving any benefits as Choctaw Indians? A No sir.

In accordance with the provisions of this fourteenth article the government of the United States directed an

George V. Hanks-4.

agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land; the name of this agent was William Ward; he was called Colonel William Ward; the records of the government show that this agent failed to register and report to the government the names of a great many Indians who did in fact let him know they wanted to stay and take land and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth 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 whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but their land had been sold by the government; these commissioners were duly appointed by the President and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Do you know whether any of the ancestors of Mary J. Deering appeared before any of those commissioners and attempted to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

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

- Q Did any of the ancestors of Mary J. Deering ever get any of this scrip from the government under this act of Congress?
A Not that I know of.
Q If any of the ancestors of this woman Mary J. Deering ever received any benefits as Choctaw Indians or were ever recognized members of the tribe you dont know it? A Dont know a thing about it.
Q Are there any further statements you care to make at this time in support of this application? A No sir that's all I know about it.

---O---
This witness is a white man of average intelligence.
---O---

Clara Mitchell Wood being first duly sworn states that she reported the above testimony in the application of Mary J. Deering and that the same is a true transcript of her stenographic notes in said case.
Subscribed and sworn to before me this 30 day of August 1902

Thos. J. Emerson
Notary Public.

COPY.

Handwritten initials and "Cred."

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Mary J. Deering,
et al., for identification as Mississippi Choctaws, consolidat-
ing the applications of:

Mary J. Deering, et al.,	M.C.R. 5195
Stephen Frank Castleman, et al.,	M.C.R. 5989
Sallie M. Kidd, et al.,	M.C.R. 6096.

- - : DECISION : - -

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commis-
sion by Mary J. Deering for herself and her four minor children,
Louis F., Ada J., Wm. L. and John A. Deering; by Stephen Frank
Castleman for himself and his eight minor children, Andrew L.,
Viola C., Alva Lewis, John Wilson, Arthur T., Charles Albert,
Della May and Foy J. Castleman; and by Sallie M. Kidd for herself
and her eight minor children, Ollis C., Myrtis C., Pearlle J.,
Ferry J., Nettie M., Stella E., Earl J. and Adolphus L. Kidd,
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 con-
cluded September twenty-seventh, eighteen hundred and

thirty, and 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 Ya-oua-bee (or John Yacumbee, or Yacumbbee, or Yacumbbee, or Yacumbe, or Yocumbee, or Yocumbbee, or Yocumbe, or Yocum, or Yoakum), who is alleged to have been possessed of Choctaw blood, degree thereof not positively stated, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said 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 Ya-oua-bee (or John Yacumbee, or Yacumbbee, or Yacumbbee, or Yacumbe, or Yocumbee, or Yocumbbee, or Yocumbe, or Yocum, or Yoakum), 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 Mary J. Deering, Louis F. Deering, Ada J. Deering, Emmit L. Deering, John A. Deering, Stephen Frank Castleman, Andrew L. Castleman, Viola C. Castleman, Alva Lewis Castleman, John Wilson Castleman, Arthur I. Castleman, Charles Albert Castleman, Della May Castleman, Roy J. Castleman, Sallie H. Kidd, Olie C. Kidd, Myrtis C. Kidd, Pearlie J. Kidd, Perry J. Kidd, Nettie M. Kidd, Stella E. Kidd, Earl J. Kidd, and Adolphus L. Kidd, as Choctaw Indians entitled 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,

Tamc Dixby.

Acting Chairman.

T. D. Needles.

Commissioner.

Muskogee, Indian Territory,

C. H. Breckinridge.

Commissioner.

FEB 5 1865

Muskogee, Indian Territory, April 29, 1902.

John J. Deering,
Marysville, Texas.

Dear Sir:

The Commission is today in receipt of a letter of April 18, 1902, from J. E. Arnold, addressed to the Secretary of the Interior, Washington, D. C., with which he encloses affidavits of John J. Deering and J. A. Tippit relative to certain methods pursued by one, Shelton Heard, an attorney admitted to practice before the Commission to the Five Civilized Tribes in endeavoring to mislead and decoy clients from the said Arnold.

The letter of Arnold with the enclosures, was by the Secretary of the Interior referred to the Commission for consideration and appropriate action.

The matter treated of is relative to the action of Shelton Heard, in endeavoring to secure an agreement or contract with your wife, Mary J. Deering, to represent her before the Commission in the matter of her application for identification as a Mississippi Choctaw.

J J D S

You are advised that under date of April 21, 1902, the Secretary of the Interior notified the Commission that he had disbarred J. E. Arnold from in any manner representing claimants before this Commission.

We cannot therefore recognize the complaint of J. E. Arnold and return to you the affidavits of John J. Deering and J. A. Tippit with the information that if you or your wife have any grievance against Shelton Heard and are desirous of instituting any action against him, it will be necessary for you to take the initiative.

Yours truly,

Commissioner in Charge.

Enc Y 116

Miss. Choctaw 5195

Muskogee, Indian Territory, May 3, 1902.

Mary J. Deering,
Maryeville, Texas,

Dear Madam:

Receipt is hereby acknowledged of your letter of April 29, in which you state that one of your witnesses will be able to appear before the Commission soon, but that the other is a resident of the state of Texas and in such feeble health as to be unable to make the trip. You ask how you should proceed to secure his evidence in support of your application.

In reply to your letter you are advised that if you are unable to secure the personal attendance of your witnesses, either because of nonresidence or on any other ground which, under the rules of the Commission, would constitute inability, their depositions will be considered, if taken in accordance with the rules and regulations of the Commission governing the taking of depositions in support of applications for identification as Mississippi Choctaws, a copy of which is inclosed herewith for your information. It will not be necessary for you to be present at the taking of the depositions of witnesses unless you desire to attend.

Yours truly,

Commissioner in

Muskogee, Indian Territory, May 10, 1902.

Mary J. Deering,

Marysville, Indian Territory.

Dear Madam:-

The Commission is in receipt of your affidavit wherein you set forth the names and residences of certain witnesses whose depositions you desire to have taken to be considered in your application for identification as a Mississippi Choctaw, and also an original and one copy of direct interrogatories which you desire to have propounded to the witnesses mentioned in your affidavit.

These documents are returned to you for the reason that they are not in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws. A copy of said rules is herewith enclosed you and your attention is specially invited to section E of Rule 2 and rules 12 and 13.

You are informed that Messrs. Mansfield, McMurray and Cornish of South McAlester, Indian Territory, are the attorneys for the Choctaw and Chickasaw Nations, and that it will be necessary for you to have a copy of the direct interrogatories which you desire to have propounded to your witnesses, served on a member of that

Mary J. Deering-----2

firm, and proof of such service made to the Commission before a
commission will be issued for the taking of these depositions.

Yours truly,

Commissioner in Charge

Enclosure G.H. 180

Rules and Regulations

Miss. Choctaw 8195

Muskogee, Indian Territory, May 16, 1902.

A. C. Kidd,

Bulcher, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 12, in which you state that you have learned that Mary J. Deering, your wife's sister, has recently made application for identification as a Mississippi Choctaw, and you ask whether your wife should make an application now, or wait until some action is taken on the claim of Mary J. Deering.

In reply to your letter you are informed that the Commission cannot advise claimants as Mississippi Choctaws whether or not they should make application for identification as Mississippi Choctaws. The authority of the Commission to determine the identity of so-called Mississippi Choctaws is found in the following provision of the Act of Congress of June 28, 1898:

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

The fourteenth article of the treaty of 1830, referred to in the above legislation, provides:

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

The Commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and complied with the provisions of the above article, and whose claims under said article were favorably adjudicated.

If your wife desires to make such an application, she will be heard, upon her personal appearance at the office of the Commission at Muskogee, Indian Territory, at which time a proper record will be made of her case. If it is her intention to present a claim of this character, it is suggested that she do so as early as practicable.

Yours truly,

Acting Chairman.

M.C.R. 8198

Muskogee, Indian Territory, June 12, 1908.

J. G. Ellis,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

The Commission is in receipt of your communication of the 10th inst. enclosing the application to take the deposition of George R. Yoakum in the matter of the application of Mary J. Deering, et al., applicants for identification as Mississippi Choctaws before the Commission to the Five Civilized Tribes. Said application, the affidavit of the applicant, Mary J. Deering, the direct interrogatories to be propounded to the witness George R. Yoakum, as well as the proof of service of a copy of said interrogatories upon the attorneys for the Choctaw and Chickasaw Nation, being in proper form have been filed with and made a part of the record in the application of Mary J. Deering, et al., and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued for the taking of said deposition.

Yours truly,

Commissioner in Charge

M.C.R. 5198

Muskogee, Indian Territory, June 22, 1902.

Mr. J. G. Balls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:-

Enclosed please find commission to take the deposition of George R. Yeakum in the matter of the application of Mary J. Deering, et al., for identification as Mississippi Choctaws before the Commission to the Five Civilized Tribes, upon direct and cross interrogatories thereto attached.

Upon receipt of these documents you will have same placed in the hands of an officer authorized by law to take depositions and return same as soon after the taking thereof, as possible.

Yours truly,

Enclosure

G.H. 112

Muskogee, Indian Territory, July 12, 1903.

Mary J. Deering,

Marysville, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you state that you have two witnesses whose testimony you desire to present to the Commission in support of your application for identification as a Mississippi Choctaw but that you are physically and financially unable to secure the attendance of these witnesses before the Commission in person and request to be advised if their testimony can be submitted and will be considered if taken upon depositions.

The Commission is averse to the acceptance or consideration of ex parte affidavits and depositions in support of applications for identification as Mississippi Choctaws and where possible desires that the witnesses personally appear before the Commission for the purpose of examination under oath. If, however, you are unable to obtain the personal appearance of the witnesses in your case their depositions will be considered if filed within thirty days from the date hereof and taken in conformity with the rules and regulations of the Commission governing the procedure in the taking and submission of depositions in support of appli-

M J D 2

otions for identification as Mississippi Choctaws, a copy of
which is enclosed you herewith.

Yours truly,

Acting Chairman.

Enc Y 90

Muskogee, Indian Territory, August 8, 1902.

Mary J. Deering,

Marysville, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st inst., in which you state that you have heard that G.W. Hanks appeared before the Commission as a witness in your case, and that you have two more witnesses whose evidence in support of your case you desire to take and ask for further time in which to take such evidence.

In reply, you are informed that George W. Hanks appeared before this Commission on July 29, 1902, and testified in the case of Mary J. Deering, et al., applicants to this Commission for identification as Mississippi Choctaws.

In compliance with your request, you are hereby granted up to and inclusive of Friday, August 22, 1902, within which to introduce additional testimony in support of your claim.

Yours truly,

Acting Chairman.

M.C.R. 8195.

Muskogee, Indian Territory, August 28, 1902.

Mary J. Deering,

Marysville, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st inst., in which you ask for a further extension of time in which to introduce additional evidence in support of your claim.

In accordance with your request, you are hereby notified that you will be allowed until Monday, September 23, 1902, to introduce such additional testimony.

Yours truly,

Acting Chairman.

Miss. Choctaw 5198

Muskogee, Indian Territory, September 26, 1902.

J. J. Deering,

Sneed, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 22, in which you state that the witness whose testimony you desire to offer in support of the application of your wife, Mary J. Deering, et al. for identification as Mississippi Choctaws, is sick, and you ask for a further continuance of this case.

In reply to your letter you are advised that you are hereby granted until October 15, 1902 within which to introduce the testimony of witnesses in this case, but at the end of that time, if no further evidence has been offered, the Commission will take this case up for consideration on the record already made.

Respectfully,

Acting Chairman.

Miss. Choctaw 5196

Muskogee, Indian Territory, October 10, 1902.

J. J. Deering,

Sneed, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 4, inclosing affidavits and interrogatories for the taking of depositions of Isaac Christian in support of the application of Mr. J. Deering for identification as a Mississippi Choctaw, and the same are herewith returned to you for the reason that no service is shown of the interrogatories on the attorneys for the Choctaw and Chickasaw Nations, and your attention is invited to section (e) Rule 9, of the rules and regulations of the Commission governing the taking of depositions in support of applications for identification as Mississippi Choctaws, a copy of which is inclosed herewith for your information.

Respectfully,

Commissioner in Charge.

AB 1-10
Rules for taking
depositions.

M.C.R. 5196

Muskogee, Indian Territory, October 20, 1902.

J. J. Deering,

Sneed, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your communication of October 15, 1902, enclosing affidavits and interrogatories to be used in the taking of the deposition of Isaac Christian in support of the application of Mary J. Deering for identification as a Mississippi Choctaw.

These documents were returned to you on October 10, 1902, for the reason that there was no proof of service of a copy of the interrogatories on the attorneys for the Choctaw and Chickasaw Nations, and at that time your attention was invited to Section E of Rule 2 of the Rules and Regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules was enclosed you.

These documents are again returned to you for the same reason, and your attention is now invited to Rules 12 and 13, and in order that you may secure proper proof of service on the attorneys for the Choctaw and Chickasaw Nations you are advised that you should have the interrogatories prepared in duplicate and place both

J. J. Deering-----2

copies in the hands of the United States Marshal for the Central District, Indian Territory, and instruct him to serve one of said copies on Messrs. Mansfield, McMurray & Cornish, attach the proof of said service to the other copy and return same to you; upon receipt thereof you will forward same to this Commission, together with your affidavit. A commission for the taking of depositions will only be issued when the rules and regulations above referred to are strictly complied with.

It is suggested that the copy of the interrogatories which is to be filed with the Commission be written upon legal size paper.

Respectfully,

Acting Chairman

Enclosure
G.H. 21

Muskogee, Indian Territory, December 16, 1902.

Mary J. Deering,
Sneed, Indian Territory.

Dear Madam:

The Commission is in receipt of your communication of the 10th inst., wherein you enclose your affidavit setting forth your reasons for desiring the deposition of Isaac Christian, taken in support of your application for identification as a Mississippi Choctaw; also the interrogatories to be propounded to him whereeto is attached proof of service of a copy thereof on Messrs. Mansfield, McMurry & Cornish, attorneys for the Choctaw and Chickasaw Nations.

These documents are returned to you for the reason that your affidavit does not contain the statement of what you expect to prove by said witness, and in this regard your attention is invited to section B rule 2 of the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, copy of said rules is herewith enclosed you.

Before a commission will be issued for the taking of depositions the above rules and regulations must have been strictly complied with.

Yours truly,

Enc. B.M. 1 and 2
Rules and regulations.

Acting Chairman.

M.C.R. 5195.

COPY.

McKeesee, Indian Territory, February 5, 1903.

Mary J. Deering,

Sneed, Indian Territory.

Dear Madam:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary J. Deering, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary J. Deering, et al.,	M.C.R. 5195
Stephen Frank Castleman, et al.,	" 5929
Sallie M. Kidd, et al.,	" 6096

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary J. Deering, Louis F. Deering, Ada J. Deering, Emmitt L. Deering, John A. Deering, Stephen Frank Castleman, Andrew L. Castleman, Viola C. Castleman, Alva Lewis Castleman, John Wilson Castleman, Arthur I. Castleman, Charles Albert Castleman, Della May Castleman, Poy J. Castleman, Sallie M. Kidd, Ollis C.

N. J. D. No. 2.

Kidd, Myrtis C. Kidd, Pearlle J. Kidd, Perry J. Kidd, Nettie N. Kidd, Stella E. Kidd, Earl J. Kidd, and Adolphus L. Kidd, as Choctaw Indians entitled 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)

C. R. Breckinridge.

Commissioner in Charge.

Registered.

COPY.

M.C.R. 5195.

Muskegee, Indian Territory, February 5, 1903.

J. B. Pierre,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary J. Deering, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary J. Deering, et al.,	M.C.R. 5195
Stephen Frank Castleman, et al.,	" 5929
Sallie M. Kidd, et al.,	" 6096

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary J. Deering, Louis F. Deering, Ada J. Deering, Emmitt L. Deering, John A. Deering, Stephen Frank Castleman, Andrew L. Castleman, Viola C. Castleman, Alva Lewis Castleman, John Wilson Castleman, Arthur I. Castleman, Charles Albert Castleman,

P. E. P. No. 2.

Della May Castleman, Foy J. Castleman, Sallie M. Kidd, Olis C. Kidd, Myrtis C. Kidd, Pearlle J. Kidd, Perry J. Kidd, Nettie M. Kidd, Stella E. Kidd; Earl J. Kidd, and Adolphus L. Kidd as Choctaw Indians entitled 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,

SIGNED:

J. B. Brockhurst

Registered.

Commissioner in Charge.

COPY.

M.C.R. 5195.

Muskogee, Indian Territory, February 5, 1903.

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 February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary J. Deering, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary J. Deering, et al.,	M.C.R. 5195
Stephen Frank Castleman, et al.,	" 5929
Sallie M. Kidd, et al.,	" 6096

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes^d as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary J. Deering, Louis F. Deering, Ada J. Deering, Emmitt L. Deering, John A. Deering, Stephen Frank Castleman, Andrew L. Castleman, Viola C. Castleman, Alva Lewis Castleman, John Wilson Castleman, Arthur I. Castleman, Charles Albert Castleman, Della May Castleman, Foy J. Castleman, Sallie M. Kidd, Ollie C. Kidd, Myrtis C. Kidd, Pearlle J. Kidd, Perry J. Kidd, Mettie M. Kidd, Stella E. Kidd, Earl J. Kidd, and Adolphus L. Kidd, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

M. Wom. & C. No. 2.

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

Respectfully,

SIGNED

C. R. Breckinridge.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, February 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mary J. Deering, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 5, 1903.

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

Mary J. Deering, et al.	M.C.R. 5195
Stephen Frank Castelman, et al.	M.C.R. 5929
Sallie M. Kidd, et al.	M.C.R. 8098

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

Respectfully,

SIGNED

Tams Birby.

Through the
Commissioner of Indian Affairs,
2 inclosures; M.C.R. 5195

Chairman.

DEPARTMENT OF THE INTERIOR

Land

OFFICE OF INDIAN AFFAIRS,

13434-1903.

Washington, October 25, 1904

711-393.

In Re

Mary J. Deering, et al.,	M.C.R. 5195.)
Stephen Frank Castleman, et al.,	M.C.R. 5929.)
Sallie M. Kidd, et al.,	M.C.R. 6096.)
Applicants for identification as)
Mississippi Choctaw Indians.)

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit for Departmental action the record and accompanying papers in the above consolidated cases with the recommendation of this office therein.

Applicants, Mary J. Deering for herself and her four minor children Louis F., Ada J., Ermit L., and John A. Deering; Stephen Frank Castleman for himself and his eight minor children, Andrew L., Viola C., Alva Lewis, John Wilson, Arthur I., Charles Albert, Della May and Foy J. Castleman; Sallie M. Kidd for herself and her eight minor children, Otis C. Myrtis C., Pearlle J., Perry J., Mettie M., Stella E., Earl J., and Adolphus L. Kidd, aggregating

twenty-three applicants, claims rights in the Choctaw lands under Article 14 of the Treaty of 1830 between the United States and the Choctaw Nation by reason of being descendants of one John Yacumbbee alias Yoakum, an alleged one-quarter blood Choctaw Indian, a resident of Tippah County, Mississippi in 1830 and who died in Milan County, Texas, in 1878, the said John Yacumbbee and his wife Amy, having had born to them in 1830 one Nancy Yacumbbee alias Youkum who became the wife of James L. Castleman, and the mother of principal applicant Mary J. Deering, now a resident of Marysville, Cooke County, Texas. As to the name Yacumbbee, or Yoakum or some such similar name, the records of this office show that the only beneficiary of similar name under the provisions of the Treaty of 1830 was one Lah-pam-ba who at the time of said treaty was residing with his wife Elah-po-nah-hoka on Koo-shac-hah-lale in Newton County, Mississippi, who was a scrippee under the provisions of Article 14 of the Treaty of 1830, who had a son named Yok-om-bee, but the records of this office show that said son Yok-om-bee was not born until after the Treaty of 1830 and was not in anywise a beneficiary thereunder, (See copy of original deposition herewith.) The evidence submitted shows that the John Yacumbbee the ancestor under whom applicants claim had twelve children, among whom were Mary C., born in 1826, Nancy C., born in 1828 or 1830, Kazziah born in 1830, Geo. R. Yoakum born in 1833. It is evident that the John Yacumbbee or John Yoakum, the ancestor through whom applicants claim, is not identical with Yok-om-bee who was the son of Lah-pam-ba, a scrippee for the reason that Yok-om-bee was not

born till after the Treaty of Dancing Rabbit Creek (September 27, 1830) and could no have been the father of Nancy C. Yocumbee or Yoakum (the mother of principal applicants) who was born before (1826) or the same year (1830) of his birth.. Yok-om-bee having been born since the Treaty of 1830 and not being a beneficiary thereunder in anywise and not being identical with John Yocumbee or Yoakum, the ancestor through whom applicants claim, it is evident that applicants have not established such identity and descent as would entitle them to be identified as Mississippi Choctaw Indians of right to claim the benefit of the provisions of Article 14 of the said Treaty of 1830 and therefore the decision of the Commission of February 5, 1903, denying their right to be identified as such should be upheld and I so recommend.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GR

C

DEPARTMENT OF THE INTERIOR,

PHE

DC. . 41959-1904.
I.T. . 10920-1904.

WASHINGTON.

October 28, 1904.

LRS

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

Gentlemen:

February 21, 1903, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws of Mary J. Deering, for herself and her four minor children, Louis F., Ada J., Emmet L. and John A. Deering; of Stephen Frank Castleman for himself and his eight minor children, Andrew L., Viola C., Alva Lewis, John Wilson, Arthur I., Charles Albert, Della May and Foy J. Castleman; and of Sallie M. Kidd for herself and her eight minor children, Ollis C., Myrtis C., Pearlle J., Perry J., Mettie M., Stella E., Earl J. and Adolphus L. Kidd, including your decision of February 5, 1903, which was adverse to the applicants.

Reporting in the matter October 25, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

E.A.Hitchcock

Secretary.

1 inclosure.

COPY.

M.C.R. 5195

Muskogee, Indian Territory, November 10, 1904.

Mary J. Deering,

Breed, Indian Territory.

Dear Madam:

You are hereby notified that on the 28th 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 Mary J. Deering et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,

Chairman.

M.C.R. 5195

COPY

Muskogee, Indian Territory, November 10, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that on the 28th 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 Mary J. Deering et al.

Respectfully,

(SIGNED)

James D. Doby
Chairman.

M.C.R. 5195

COPY.

Muskogee, Indian Territory, November 10, 1904.

F. E. Pierce,
Attorney at Law,
Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that on the 28th 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 Mary J. Deering et al., of which decision you were advised by registered mail on the 5th day of February 1903.

Respectfully,

(SIGNED)

James Dixby

Chairman.

M.C.R. 5195

COPY.

Muskogee, Indian Territory, November 10, 1904.

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

Gentlemen:

You are hereby notified that on the 28th 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 Mary J. Deering et al., of which decision you were advised by mail on the 5th day of February, 1903.

Respectfully,

(SIGNED)

Tamc Dixey

Chairman.

John Yacumber

John Yacumber, Yocum or Yoakum wife Amy Yoakum	} 1/2, 1/4 of dead
dead	

Mary C Yacumber

Nancy C. Yacumber,
Yacumber,
Yocum,
or Yocumbe D
married

James L Castleman

John Yacumber ?
Kizziah Yacumber ?
Frank Yacumber ?
George R Yoakum L
Dan Yacumber ?

mck
5172
Mary J. Castleman, 46
married
John J. Deering, w.

mck
5729
Stephen Frank Castleman
wife
Malinda Castleman 78 or 74

mck
6096
Sallie M Castleman, 37/16
married
Adolphus C Kidd

mck
5173
Louis F. Deering, 20
Ada J. Deering, 14
Emmit L. Deering, 12
John A. Deering, 4

mck
5927
Andrew L. Castleman, 18
Viola C. Castleman, 16
Alva Lewis Castleman, 14
John Wilson Castleman, 12
Arthur J. Castleman, 10
Charles Albert Castleman, 7
Della May Castleman, 5
Foy J. Castleman, 20

mck
Olis C. Kidd, 17
Myrtis C. Kidd, 15
Pearlie J. Kidd, 12
Perry J. Kidd, 10
Mettie M. Kidd, 8
Stella E. Kidd, 5
Earl J. Kidd, 3
Adolphus L. Kidd, 7 mos

John Yacumber

John Yacumber, et. D
wife

Amy Yacumber, D

Nancy C. Yacumber, et. D
married

James L. Castleman D

Jeff D Castleman

James D Castleman

Soan J. Castleman

Ira E. Castleman

Mississippi B. Castleman
married Malugin

Nancy C. Castleman
married Wilson

Georgia Ann Castleman D
married Davis

Mary Elizabeth Davis
Lawrence E. Davis

Samuel Castleman

Thomas Jefferson Castleman

Ira May Castleman

John L. Castleman D

John Castleman

Steven Buchanan Castleman

Walter Castleman

Luther Castleman

For Identification as a Mississippi Choctaw.

Date APR 1, 1906

Name Mary J. Weering

Age 46 Blood Don't Know.

Post Office, Marysville, Texas.

Father: James L. Castleman, d

Mother: Nancy " d

Claims through mother

Husband: John J. Weering, l. w.

No claim for husband

Children:

Louis F. Weering, 20

Ada J. " 14

Emmit L. " 12

John A. " 4

Claims for self & children

Prepared H. S. Hains

No. 5195

For Identification as a Mississippi Choctaw.

JUL 29 1902

Date

Name *Mary J. Seering et al*

Age Blood

Post-Office.

Father.

Mother.

Claims through

Additional testimony of witnesses George W. Hanky.

Children:

grapher

Clara M. ...

Choctaw MCR 5196

Lydia J. Simmerman

MCR 5196

2215

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

-----:-----

In the matter of the application of Lydia J. Zimmerman,
et al., for identification as Mississippi Choctaws, W.C.R. 5196.

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of Lydia J. Zimmerman, et al.

	Page.
Original application of Lydia J. Zimmerman for enrollment as a Choctaw by blood - - - - -	1
Copy of letter of the Commission to Wallace Wilkinson, attorney for Lydia J. Zimmerman, informing him of the refusal of her applica- tion for enrollment and of her rights as an applicant for identification as a Choctaw - - - - -	2
Notice of the Commission to Lydia J. Zimmerman to submit her testimony showing that she is entitled to be identified as a Mississippi Choctaw - - - - -	6
Return registry receipt of Lydia J. Zimmerman - - -	7
Affidavit of Lydia J. Zimmerman - - - - -	8
Affidavit of Allace Wallace - - - - -	9
Affidavit of W. R. Wallace - - - - -	10
Original application of Lydia J. Zimmerman, et al., for identification as Mississippi Choctaws - - - - -	11

Affidavit of James Ashton - - - - -	18
Affidavit of Joe Lewis - - - - -	19
Affidavit of Halley Henderson - - - - -	20
Decision of the Commission refusing the application of Lydia J. Zimmerman, et al., for identification as Mississippi Choctaws - - - - -	21

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 15, 1902.

5196

In the matter of the application of Lydia J. Simmerman for the identification of herself and her two minor children, Othow Pees and Johnnie Simmerman, as Mississippi Choctaws.

F.E. Pierce, attorney for applicant.

Lydia J. Simmerman being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lydia J. Simmerman.
Q What is your age? A I was born in '62.
Q Well that would make you about forty now? A Yes sir.
Q What is your post office address? A Krebs.
Q Indian Territory? A Yes sir.
Q How long have you lived in Krebs? A I went there in '93.
Q Where did you live before that? A Sandbar County, Choctaw Nation.
Q How long have you lived in the Indian Territory altogether?
A Well I was born at Scullyville in this territory, and then about four years old my mother died and I was carried to Texas and lived there six years and then came back to the Territory. And lived there all except about three years I went to the States to work.
Q What State? A Arkansas.
Q Is your father living? A No sir.
Q Is your mother-? A No sir.
Q What was your father's name? A Ambrose Holt.
Q What was your mother's name? A Mary Holt.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A Well really I don't know.
Q What was your mother's maiden name? A Mary Compellaby.
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 I can't tell you; she came here in '35.

Q well, you never heard she was enrolled as an Indian, did you?
A No sir.

Q Are you married? A yes, I was.

Q Is your husband living? A Yes sir.

Q Are these children that you are to make application for the children of this husband? A One of them is.

Q Then you have had two husbands? A No sir, only one.

Q Is he a white man? A Yes sir.

Q You are not living with him? A No sir.

Q Did he desert you? A Yes sir.

Q You have charge of the children? A Yes sir.

Q What is his name? A John Simmerman.

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

Q How long since he left you? A In 1894.

Q Since then have you been supporting yourself and these children?
A Yes sir.

Q Give me the name of the child that John Simmerman is the father of? A Johnnie; she is a girl.

Q Named after your husband, isn't she? A Yes sir.

Q How old is she? A She was born in 1894.

Q She is now about eight years old. A Yes sir.

Q This is a girl? A Yes sir.

Q This is your own child by John Simmerman? A Yes sir.

Q Have you any other children? A Yes I have one.

Q What is his name? A His father's name was Pece; I am not married to him; I give him Othow Pece the name of his father (applicant spells the name.)

Q Is this a girl? A No sir; a boy.

Q How old? A He is going on fourteen years old.

Q What was the father's name? A Charlie Pece.

Q You never were married to Charlie Pece? A No sir.

Q Ar this son Othow is an illegitimate child of yours? A Yes sir.

Q You claim for him and your legitimate daughter, Johnnie Simmerman, do you? A Yes sir.

Q Is Charlie Pece living? A No sir.

Q Was he a white man? A Yes sir.

Q When the Choctaw blood that you claim for this illegitimate son, Othow and for your legitimate daughter Johnnie is claimed through you and your ancestry? A Yes sir.

Q Are these two children living with you at your home? A Yes sir.

Q And you are supporting them are you? A Yes sir.

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

Q You never heard that it was, did you? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities?

A Yes, the first time was at South McAlester- was in 1896; the Dawes Commission.

Q Did you ever go to the council of the Choctaw nation? A No; I went before the Dawes Commission.

Q Then you never did go to the Choctaw tribal authorities? A No sir

Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act

of Congress of June 10, 1896? A Yes sir.

Q Did you go to them in 1896? A Well, you see I was down with the rheumatism- I didn't in that year; but I did after.

Q If you made no application to the Dawes Commission in 1896, did you make application for yourself and children for citizenship in the Choctaw Nation afterwards? A Yes sir.

Q When did you do that? A I think it was in '98; it has been 3 or 4 years.

Q At what place? A At South town; McAlester.

Q Was that the only application that you have ever made? A Yes sir.

Q You made application for citizenship in the Choctaw Nation at South McAlester, didn't you? A Yes sir; I didn't register.

Q In what year was that? A It was four years this Summer to the best of my knowledge.

Q That application was for enrollment as a citizen by blood, wasn't it? A Yes sir.

Q What was done with that application, do you know? A --

Q Did they refuse it? A Yes sir.

Q For the reason that your name was not found on any of the tribal rolls of the Choctaw Nation in the possession of the Commission?

A They didn't say; just told me they couldn't enroll me.

(The records in the possession of the Commission show that this applicant made application for enrollment as a citizen by blood of the Choctaw Nation at South McAlester, Indian Territory, in September 1899 and that her application was refused by the Commission for the reason that her name was not found on any of the tribal rolls of the Choctaw Nation in the possession of the Commission nor had she ever been admitted to citizenship in the Choctaw Nation by a duly constituted court or Committee of the Choctaw Nation, the Commission to the Five Civilized Tribes or by decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896.)

Q When did you get notice of your refusal? A I never did.

Q Captain McKennon heard your application at that time, did he?

A Yes sir.

Q And he told you that the enrollment was refused, did he? A He just said "We can't enroll you here."

Q Didn't he use these exact words to you at that time: "As you are not on the rolls the Commission has no authority to enroll you; enrollment is refused."? Didn't he say just that? A Well, I don't know.

Q At that time you knew that you had been refused, didn't you?

A Yes sir.

Q Now you want to make application for identification as a Mississippi Choctaw, do you? A Yes sir.

Q Would you like to have the records in this case R. 351 made a part of the present application; these records here referred to?

A I don't understand.

Q Do you want to have this matter here considered with your present application in order that the information that has been filed in your application be taken into consideration now? 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 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; my mother came in '35.

Q Do you understand that article of that treaty? A 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 the State of Mississippi on the 27th day of September, that year, and was made for the purpose principally 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 refuse to go to the Choctaw nation Indian Territory and in order to protect their interests some provision had to be made; that provision was made in article fourteen; after that the treaty was 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 Do you think you understand that article well enough to claim under it? A Yes sir.

Q You understand the meaning now of article fourteen and its purposes, don't you? A Yes; I guess I do.

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 What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Mary Compellaby.

Q Can you go back any further? A No sir.

Q On either side? A No sir.

Q When did she die? A In '35.

Q How old was she when she died? A I really don't know.

Q Was she an old woman at that time? A Yes sir.

Q Give me as near as you can about what her age was? A She came in '35 here; they always told me she was about 12 years old; she came here in 1835.

Q And was about twelve years old then? A Yes sir.
Q She would be about 79 or 80 years old now, would she? A Yes sir.
Q And she was born in Mississippi, wasn't she? A Yes sir.
Q Do you know where in Mississippi? A Pigeon Roost County.
Q Is there any such County as that in Mississippi now? A I don't know; that's what they called it; you know they come here before was born and the Wallace family came with them; that's what they call it.
Q Do you know whether Mary Compellaby claimed through her father or mother? A I guess it is her father.
Q Can you tell what his name was? A No sir, not my grandfather.
Q Have you any means of knowing what his name was? A I suppose that the Wallace family can.

It will be necessary for you to show through whom your mother, Mary Compellaby derived her Choctaw blood and also his name for thus far your testimony discloses the fact that your mother was born in Mississippi and would be about 79 or 80 years old and that your mother's father if he had Choctaw blood would be head of a family in Mississippi in 1830.

Q You are unable to show that now? A I guess I could through the Wallace family.

Q You think you could if given time? A Yes sir.

Reasonable time will be given to this applicant in which to show which of the mother's parents lived in Mississippi in 1830 and was head of a family there then.

Q Did any of your Choctaw ancestors own any improvements or land in the old Choctaw nation in Mississippi or Alabama 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 No sir, I can't tell you.

Q Did any of your Choctaw ancestors go from that old Choctaw nation in Mississippi and Alabama to the Choctaw nation Indian Territory with the other Indians between 1833 to 1838 or 1840? A I don't know.

Q Well, didn't you say something a while ago about somebody coming out in 1835? A Well, my mother and Mary Smith-- Mrs. Wallace afterwards came out together in '35.

Q The Wallaces are no kin of yours? A No sir.

Q How old was your mother when she came out here in '35? A About 12 years old.

Q Did they come with the other Indians? A They come with Adam Morris.

Q Were they removed at the expense of the Government? A I can't tell you.

Q Came directly to the Territory-- and did they live in Mississippi and leave there in 1835 and come directly to the Territory? A Yes sir.

Q Where did they locate? A In Scullyville County; that's what they told me.

Q Was your mother ever enrolled or recognized as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I can't tell you.

Q Well, you know pretty well whether she was a Choctaw Indian and recognized as such. Well, you see she died when I was four years old.

Q Well, didn't you ever hear whether she was a citizen and recognized as such and enrolled as such? A I don't remember.

Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation in Mississippi and Alabama under the provision of article fourteen of the treaty of 1830? A Not as I know of.

Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws claiming through the same common ancestor? A No sir, I have no relation I know.

The Indians who remained in the old Choctaw Nation in Mississippi or Alabama 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 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 failed to put upon his register or list known as Ward's register, and his neglect to do this caused many Indians who had land in the old Choctaw Nation to lose both their land and improvements thereon-- they were both taken from them by the Government and sold at Public Land Sale; this caused so many complain that in 1837 by an act approved March 3, 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 for the same reason 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 Commissions 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 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, Arkansas, or Louisiana, to be taken from vacant Government land, and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your ancestors receive any such scrip from the Government as Choctaw Indians? A No sir; not as I know.

- Q Have you any documentary evidence you want to introduce now in support of this claim; i mean by this any evidence or paper sof any kind? A I have sent in affidavits to the Commission.
Q Who are the names of the signers? A Alice and Willie Wallace.
Q You sent in these two affidavits? A Yes sir.
Q And they are now in the possession of the Commission? A Yes sir.
Q Would you like these considered with this application? A Yes sir.
Q Would you like time in which to introduce further evidence?
A Yes sir.

Reasonable time is allowed to introduce further proper evidence in support of this application.

- Q Do you speak the Choctaw language? A Not much.
Q Do you speak any? A A little.
Q Can you talk the Choctaw language with an Indian so as to carry on a conversation? A No sir, I can't speak it but I can understand it a little.
Q You can understand it if spoken to you? A Some.
Q What does chukfanah mean? A I don't know.
Q What is Tukaloosa- do you know? A No sir.
Q What is chuffah? A I don't know.
Q Is there anything more you want to say in support of your application? A I can find out from several old Mississippi Indians whether they received such scrip.

This applicant has the appearance and physical characteristics of being descended from white parentage; has blue eyes, medium fair complexion, brown hair; she has no knowledge of the Choctaw language and no knowledge of the compliance by 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 above entitled cause on April 15, 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 7 day of May, 1902.

Charles W. Sawyer

Notary Public.

Commission to the Five Civilized Tribes,
South McAlester, Indian Ter.

In the application of Lydia J. Zimmerman for enrollment as a
Choctaw; being sworn and examined by Com'r McKennon she states:

- Q What is your name? A Lydia J. Zimmerman.
- Q How old are you? A Thirty-nine.
- Q Have ever you been on the Choctaw rolls? A Not unless my
mother put me on when I was little.
- Q Were your mother and father ever on the Choctaw rolls?
A I suppose so; they lived at old Skullyville.
- Q You don't know anything about them being on any rolls?
A No sir.
- Q Where have you been living? A I was taken from Old Skully-
ville when I was a child, and I was raised principally in Texas.
- Q When did you last come to the Territory? A I have been
here at Krebbs about six years.
- Q living here all the while? A Yes sir.
- Q With all of your family and household goods? A Yes sir.

Com'r McKennon: As you are not on the rolls, the commission
has no authority to enroll you; enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify that the above is a true and correct translation of
my stenographic notes taken at the Commission to the Five Civilized Tribes.
my stenographer

M. D. Green

C. W.

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

In the matter of the application of Lydia J. Zimmerman,
et al., for identification as Mississippi Choctaws, M. C. R. 5196.

DECISION.

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Lydia J. Zimmerman for herself and her two minor children, Othow Peee and Jehnnie Zimmerman, under the following provision of the act of Congress approved June 29, 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 Mary Holt (nee Compellaby, or Compeleebbee), who is alleged to have been possessed of some Choctaw Indian blood (degree thereof not stated) and to have resided in Mississippi in eighteen hundred

and thirty.

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

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Holt (nee Compellaby, or Compelsobbee) signified (in person or by proxy) to Colonel Wm. Vard, 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 Lydia Zimmerman, Othow Pace and Johnnie Zimmerman as Choctaw Indians entitled 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)

Tamm Dixby.

Acting Chairman.

(SIGNED)

T. D. Needles.

Commissioner.

(SIGNED)

C. R. Dredinriaco.

Commissioner.

Muskogee, Indian Territory,

OCT 30 1902

Muskogee, Indian Territory, March 12, 1902.

Lydia J. Zimmerman,

Krebs, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 10th instant replying to our communication of February 20, 1902, informing you that you would be allowed thirty days from that date within which to submit to this Commission an affidavit corroborated by two witnesses showing that you are entitled to be identified as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898.

In your letter of the 10th instant you request that the Commission grant you an extension of time within which to submit such affidavit and do not designate any specified time.

Replying to your communication you are informed that the Commission cannot consider your request for an indefinite continuance of the time specified in our letter of February 20, 1902, and it was the intention of such letter to only require of you to submit an affidavit corroborated by two witnesses, showing that you were entitled and it was your intention to prosecute such rights as you might have as the descendant of a Choctaw Indian who resided in Mississippi in 1830 and took advantage of the provisions of the

L J E 2

fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation. Such affidavits should be submitted within the time specified in our letter of February 20, 1902, and should you thereafter desire to prosecute your rights to identification as a Mississippi Choctaw, it will be necessary for you to personally appear before the Commission for this purpose and the testimony of such witnesses as you may present will also be heard. If, however, at the expiration of thirty days no such affidavits are submitted the Commission will then take up for consideration and pass upon your rights to enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, March 20, 1902.

Lydia J. Zimmerman,

Krebs, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit and the affidavits of Allace Wallace and W. E. Wallace, which have this day been filed with the records of this office.

Such affidavits allege that you are a descendant of a Choctaw Indian who resided in the state of Mississippi in the year 1830 and who complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

You are now advised that if it is your intention to prosecute your rights as a Mississippi Choctaw as the descendant of such Choctaw Indian, it is necessary for you to appear before the Commission in person for the purpose of examination under oath, so that a sufficient record can be made upon which your rights to such identification can be determined. Such appearance should be made within thirty days from the date hereof at the office of the Commission at Muskogee, Indian Territory and if at the ~~Commission~~ ~~office~~ of that time no personal application is made by you for identifi-

L J E 2

ation as a Mississippi Choctaw, it will be the presumption of the Commission that it is not your intention to further prosecute such rights and the Commission will then pass upon the record in the matter of your application for enrollment as a citizen of the Choctaw Nation.

In the preparation of the rolls of the citizens of the Choctaw Nation, the Commission is now limited by the act of Congress of May 31, 1900, which provides as follows:

"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."

Yours truly,

Commissioner in Charge.

Miss. Choctaw 5196

Muskogee, Indian Territory, May 26, 1902.

Lydia J. Zimmerman,

Krebs, Indian Territory,

Dear madam:

Receipt is hereby acknowledged of your letter of May 23, inclosing affidavits of James Ashton, Joe Lewis and Salley Henderson, which you offer 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 your case.

Yours truly,

Acting Chairman.

Kuskowee, Indian Territory October 30, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

Sough McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30 th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lydia J. Zimmerman, 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., 485) which is as follows:

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

Said decision concludes as follows:

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

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

M M & C -2

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

Respectfully,

(SIGNED)

Tama Clark
Acting Chairman.

A.C.R. 3196.

COPY

Muskogee, Indian Territory October 30, 1902.

Wallace Wilkinson,

Attorney at Law.

South McAlester, Indian Territory.

Dear Sir:-

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

This application was made under the provision of the act of Congress of June 22, 1898 (30 Stat., 492) which is as follows:

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

Said decision concludes as follows:

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

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

W W -2

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

Respectfully,

(SIGNED)

Tamc Dixby.
Acting Chairman.

Registered.

AD

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

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5196.

ALLISON L. AYLESWORTH
SECRETARY

Mudkeges, Indian Territory October 30, 1902.

*Ref'd by Addressee Refused
See DC 20689*

F. A. Pierce,
Attorney at Law.

Ardmore, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lydia J. Zimmerman, 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 Lydia Zimmerman, Othow Pece and Johnnie Zimmerman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the

expiration of 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 in dark ink, consisting of several overlapping, sweeping strokes that form a cursive, somewhat abstract shape.

Acting Chairman.

Registered.

COPY

K.C.R. 5196.

Muskogee, Indian Territory October 30, 1902.

Lydia J. Sinnerman,

Krebs, Indian Territory.

Dear Madam:-

You are hereby advised that on the 30th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lydia J. Sinnerman, 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., 426) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lydia Sinnerman, Othow Pace and Johnnie Sinnerman as Choctaw Indians entitled 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

L J B -2

to the Secretary of the Interior through the Commissioner of Indian
Affairs.

Respectfully,

UNLINED.

Tame Dixby.

Acting Chairman.

Registered.

Miss. Choctaw 5196

Muskogee, Indian Territory, November 13, 1902.

Lydia J. Zimmerman,
Krebs, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 10, stating that you have received notice that the evidence in your case is insufficient to identify you as a Mississippi Choctaw and that you have been allowed fifteen days to file argument. You state that you are too poor to employ an attorney to argue your case, and submit it on the record already made.

In reply you are advised that at the expiration of the fifteen days heretofore granted in your case, the original record will be forwarded to the Secretary of the Interior for review.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, November 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

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

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

Respectfully,

1902

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M. C. R. 5196

Miss. Choctaw R5196

Muskogee, Indian Territory, November 17, 1902.

Lydia J. Zimmerman,
Krebs, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your affidavit relative to your right to identification as a Mississippi Choctaw, and the same is returned to you herewith for the reason that there is nothing contained therein tending to show the compliance of your ancestors with the provisions of article fourteen of the treaty of 1830, and the fifteen days heretofore granted for the introduction of argument having expired on November 14, 1902, on November 15, 1902, the record in the case was forwarded to the Secretary of the Interior for review

Respectfully,

Acting Chairman.

AB 3-17

M.C.R. 5196.

Muskogee, Indian Territory, February 4, 1903.

John J. Brown,

Krebs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ultimo, in which you state that you have been employed by Jane Zimmerman "to look into her citizenship case as a member of the Choctaw tribe of Indians;" that she was advised by the Commission that the papers in her case had been forwarded to the Interior Department; that she recently received a communication from the Interior Department in which it was stated that the papers had not been received. You ask concerning the status of her case.

In reply to your letter, you are informed that on November 15, 1902, the record in the Mississippi Choctaw case of Lydia J. Zimmerman, et al., together with the decision of the Commission refusing the application made by her for the identification of herself and minor children as Mississippi Choctaws, was forwarded to the Secretary of the Interior.

The Commission has not, up to the present time, been

J J B 8

notified of any departmental action thereon. As soon as it is advised of such action, the applicant will be duly notified.

Respectfully,

Acting Chairman.

Land.
69027
75876-1903.

COPY

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

March 9, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Lydia J. Simmerman, for herself and her two minor children, Othow Pece and Johnnie Simmerman, wherein a decision adverse to the applicants was rendered by the Commission on October 30, 1902.

The office has examined the evidence in this case and finds that the applicants claim identification by reason of their being descendants of Com-pa-lubbee, or Mary Compa-lubbee who was married to one Holt, who, it is alleged, was a citizen of the Choctaw Nation and re-sided in Mississippi in 1830, and emigrated to Indian Territory in 1835.

The Commission makes its decision rejecting these applicants on the ground that its records do not show that Mary Holt (nee Compellaby or Compaleebbee) ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The office has searched its records in reference to this application, and the name of Mary Holt (nee Compalubbee), does not appear in the list of those persons 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. It appears from the testimony and evidence that Mary Compalubbee was but seven years of age in 1830, and could not, therefore, have been an applicant. It does appear that there was a Com-pa-lubbee, a son Yock-ah, over ten years of age, and that he received scrip; that he was still in Mississippi in 1843; that he had married before the treaty, and that his children were still in Mississippi in 1843.

There was, however, no Mary among his children. The name of Kam-pil-lubbee is found among the list of those persons who emigrated west, leaving Mississippi in 1853 and arriving in the west in the summer of the same year.

There is also found the name of Kam-pe-lubbee, son of
Cheok-tah-hemah, who was over ten in 1830 and was still in
Mississippi in 1844.

I have, therefore, to recommend that the decision of the
Commission rejecting these applicants be approved.

Very respectfully,

A. C. TOWNER,
Acting Commissioner.

E. B. H. H'r.
4 enclosures.

D.C. 9225-1903.
I.T.D. 2670-1903
7879-1902.

J.W.H.
F.H.E.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

March 31, 1903.

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

Gentlemen:

November 15, 1902, you transmitted the record in the case involving the application of Lydia J. Simmerman (M C R 5196), for herself and her two minor children, Othow Pece and Johnnie Simmerman, for identification as Mississippi Choctaws, including your decision of October 30, 1902, denying their applications.

From the statements of the principal applicant made before you, it seems that she was born in 1862; that she obtained her Choctaw blood from her mother, Mary Holt (nee Compellaby, or Compeleobbee); that the latter was born in Pigeon Roost county, Mississippi and went to the Indian Territory in 1835, at the age of 12 years.

Since you forwarded the case to the Department, there has been filed in connection with it, the affidavit of the principal applicant, wherein she states that her mother was the daughter of a Choctaw Indian named "Compelebbe", who

lived in Leak county, Mississippi at the date of the treaty of Dancing Rabbit Creek.

You denied the application of these claimants because the records of the government in your possession did not show that the said Mary Holt (nee Compellaby, or Compeleobbee), ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

Reporting in the matter March 9, 1903, the Acting Commissioner of Indian Affairs recommended that your action be approved.

Inasmuch, however, as said report shows that there were a number of persons having names similar to that of the principal applicant's grandfather,, it is considered that a final decision in the case should not be rendered at this time.

You are, therefore, directed to allow this applicant thirty days, and such extension thereof as may be reasonable and necessary, in which to furnish additional testimony in support of these claims.

In so doing you are requested to explain article 14 of the treaty of September 27, 1830, to the principal

applicant, and inform her that persons seeking identification as Mississippi Choctaws must show that they or some one of their ancestors, in person or by proxy, complied or attempted to comply with said article, or with the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513).

It is also desired that you furnish the principal applicant with a copy of your rules for taking testimony and inform her or her attorney, Mr. R. V. Coleman, of McAlester, Indian Territory, that the required testimony may be presented by witnesses appearing in person before you, or in the form of depositions taken in accordance with said rules, or of affidavits properly executed.

You will also inform said party that the records of the government show that certain persons having names similar to that of her grand father, complied with the provisions of said article 14, and that, in those cases where names so appear, said records usuallu contain certain information as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
- 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

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

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

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

and that for the purposes of comparison, testimony of like character should be furnished relative to the applicant's ancestors, in order that the Department may determine whether any one of them was identical in person with any of the parties whose names appear on said records.

The case is remanded herewith for appropriate action in accordance with instructions herein contained.

The record is returned together with a copy of the Acting Commissioner's letter.

Respectfully,

THOS. RYAN,

Acting Secretary.

2 inclosures.

Muskogee, Indian Territory, April 8, 1903.

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

Gentlemen:

The Secretary of the Interior with his letter of March 31, 1903, remanded to this Commission the record theretofore forwarded the Department in the matter of the application made by Lydia J. Simmerman for the identification of herself and minor children as Mississippi Choctaws, with instructions that she be granted further opportunity to introduce additional testimony and evidence in support of her claim.

You are hereby notified that in accordance with the instructions above referred to, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, May 8, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 8, 1903.

R. B. Coleman,
Attorney at Law,
South McAlester, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of March 31, 1903, remanded to this Commission the record theretofore forwarded the Department in the matter of the application made by Lydia J. Simmerman for the identification of herself and minor children as Mississippi Choctaws, with instructions that she be granted further opportunity to introduce additional testimony and evidence in support of her claim.

The record in this case shows that the applicant claims descent from Mary Holt (nee Compellaby or Compelsoabee).

The Secretary of the Interior in his letter states:

"Since you forwarded the case to the Department, there has been filed in connection with it, the affidavit of the principal applicant, wherein she states that her mother was the daughter of a Choctaw Indian named 'Compelebbe', who lived in Leake county, Mississippi at the date of the treaty of Dancing Rabbit Creek",

and further

"You will also inform said party that the records of the government show that certain persons having names similar to that of her grandfather, complied with the provisions of said article 14, and that, in those cases where names so appear, said records usually contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

R B C 2

- 1st. Their description.
- 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).
- 3rd. Their Choctaw as well as their English names.
- 4th. The names and number of the persons who composed their families.
- 5th. The names of their neighbors and immediate associates;

and that for purposes of comparison, testimony of like character should be furnished relative to the applicant's ancestors, in order that the Department may determine whether any one of them was identical in person with any of the parties whose names appear on said records."

You are advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied with the provisions of the 14th article of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

Article fourteen above referred to, is as follows:

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

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

You are hereby notified that in accordance with the instructions above referred to, the Commission to the Five Civilized

R B C 4

Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, May 8, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

Registered.

R & R Dep.

Muskogee, Indian Territory, April 8, 1903.

Lydia J. Simmerman,
Krebs, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of March 31, 1903, remanded to this Commission the record theretofore forwarded the Department in the matter of the application made by you for the identification of yourself and minor children as Mississippi Choctaws, with instructions that you be granted further opportunity to introduce additional testimony and evidence in support of your claim.

The record in your case shows that you claim Choctaw descent from Mary Holt (nee Compellaby or Compeleobbee).

The Secretary of the Interior in his letter states:

"Since you forwarded the case to the Department, there has been filed in connection with it, the affidavit of the principal applicant, wherein she states that her mother was the daughter of a Choctaw Indian named 'Compeleebbee', who lived in Leake county, Mississippi at the date of the treaty of Dancing Rabbit Creek",

and further

"You will also inform said party that the records of the government show that certain persons having names similar to that of her grandfather, complied with the provisions of said article 14, and that, in those cases where names so appear, said records usually contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

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

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

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

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

and that for purposes of comparison, testimony of like character should be furnished relative to the applicant's ancestors, in order that the Department may determine whether any one of them was identical in person with any of the parties whose names appear on said records."

You are advised that the Commission requires of applicants for identification as Mississippi Choctaws, that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied with the provisions of the 14th article of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

Article fourteen above referred to, is as follows:

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

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

You are hereby notified that in accordance with the instructions above referred to, the Commission to the Five Civilized

L J S 4

Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, May 8, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep.

Muskogee, Indian Territory, April 15, 1903.

Lydia J. Simmerman,
Krebs, Indian territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you describe certain land that you wish to file on as your allotment.

In reply you are informed that the Commission has not yet finally determined your right to be identified as a Mississippi Choctaw, and it is not believed that you are at the present time in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 25, 1903.

Commissioner of Indian Affairs,
Washington, D. C.

Sir:

Receipt is hereby acknowledged of your communication of April 20, 1903, (Land 24,496-1903) enclosing for the consideration of the Commission in the matter of the application of Lydia J. Zimmerman, et al., for identification as Mississippi Choctaws, the affidavit and petition of Lydia Jane Zimmerman filed in your office by T. V. Sprinkle, attorney for said applicant.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 9, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On November 15, 1902, the Commission transmitted to the Department the record in the Mississippi Choctaw case of Lydia J. Simmerman, et al., together with its decision of October 30, 1902, refusing the application made by Lydia J. Simmerman for the identification of herself and her minor children as Mississippi Choctaws.

With departmental letter of March 31, 1903, (I T D 2670-1903, 7879-1902) the record in this case was remanded in order that the principal applicant might be granted further opportunity to introduce additional evidence. In accordance therewith the Commission on April 8, 1903, notified Lydia J. Simmerman and her attorney that she would be allowed up to and inclusive of Friday, May 8, 1903, to introduce additional evidence in support of the application made by her for the identification of herself and minor children as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

The thirty days heretofore allowed the principal appli-

cant in this case within which to submit additional evidence, expired May 8, 1903, and no appearance has been entered by or on behalf of the applicants and no additional testimony offered by them.

The original record in the Mississippi Choctaw case of Lydia J. Zimmerman, et al., together with copies of notices furnished the principal applicant, her attorney and the attorneys for the Choctaw and Chickasaw Nations, is therefore herewith transmitted.

There is also enclosed the affidavit and petition of Lydia J. Zimmerman transmitted to the Commission with departmental letter of March 31, 1903.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

McM 60

M C R 5196

Muskogee, Indian Territory, May 12, 1903.

Lydia Simmerman,

Krebs, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 6th instant, enclosing the affidavit of Mina York offered in support of your application for the identification of yourself and minor children as Mississippi Choctaws, and the same is returned you herewith for the reason that on May 9, 1903, the record in your case was transmitted to the Secretary of the Interior, and the Commission is now without authority to receive or consider further evidence in support of said case.

Respectfully,

Commissioner in Charge.

McM 20-7

Letter in reply to the following

Land
37538-1903

Department of the Interior, *GJ*

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 23, 1903.

W. J. Oglesby, Esq.,
Krebs, Indian Territory.

Sir:

The office is in receipt of a communication of June 11, 1903, relative to the application of L. Jane Zimmerman for identification or enrollment as a Choctaw.

In reply you are advised that the records of this office show that Lydia J. Zimmerman applied to the Commission for the identification of herself and her minor children as Mississippi Choctaws; and that on March 31, 1903, the case was remanded to the Commission for further action. The record has not been returned.

Very respectfully,

W. A. Jones

Commissioner.

G.A.W.(B)

Muskogee, Indian Territory, July 6, 1903.

W. J. Oglesby,
Krebs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter, without date, enclosing letter from W. A. Jones, Commissioner of Indian Affairs, Washington, D. C., relative to the Mississippi Choctaw case of Lydia J. Zimmerman, et al.

In reply you are informed that the record in said case was on May 9, 1903, forwarded to the Department. Up to the present time the Commission has not been advised of any departmental action taken thereon. As soon as the Commission is informed of the decision of the Secretary of the Interior the applicants will be duly notified thereof.

The letter enclosed by you is herewith returned.

Respectfully,

Commissioner in Charge.

M C R 5196

Muskogee, Indian Territory, July 28, 1903.

Lydia J. Zimmerman,
Krebs, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 23rd instant, relative to your right to hold land in the Choctaw-Chickasaw country.

In reply you are informed that the record in your case was on May 9, 1903, forwarded the Department. Up to the present time the Commission has not been advised of any departmental action taken thereon. As soon as the Commission is informed of the decision of the Secretary you will be duly notified thereof.

It is not believed that you are at the present time in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

D.C. 27353.
ITD. 6876-1903.
2670-1903.
L.R.S..

WCF.
EAF.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, September 26, 1903.

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

Gentlemen:

May 9, 1903, you returned to the Department the record in the matter of the application for identification of Lydia J. Simmerman and her minor children, Othow Pece and Johnnie Simmerman, as Mississippi Choctaws.

The applicants base their claims to a right to identification as Mississippi Choctaws, on their descent from one Compelebbee, through his daughter, Mary Holt (nee Compelebbee), mother of the principal applicant. Your decision rejecting the applicants was rendered October 30, 1902, and on March 31, 1903, the Department remanded the case to you for the reason that the records of the Indian Office show that there were a number of persons living in Mississippi in 1830, having names similar to that of the principal applicant's grandmother, some of whom received benefits under article 14 of the Choctaw treaty of 1830.

It appears that on April 8, 1903, you notified the principal applicant and her attorney that she would be allowed 30 days in which to introduce additional evi-

dence in support of the applications made by her for identification of herself and minor children as Mississippi Choctaws.

In your letter of May 9, 1903, you state that during said thirty days no appearance was entered by or on behalf of the applicants, and no additional testimony offered by them.

Reporting September 23, 1903, the Commissioner of Indian Affairs recommends that your decision be approved.

The Department concurs in said recommendation, and your decision is affirmed. A copy of the Commissioners letter is inclosed.

Respectfully,

Thos, Ryan,
Acting Secretary.

1 inclosure.

Copy

Land.
30741-1903.
32240-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS.

WASHINGTON, Sept. 23, 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 Lydai J. Simmerman for herself and her two minor children, Othor Pece and Jonnie Simmerman, for identification as Mississippi Choctaws.

The evidence in this case shows that the applicants base their claims to identification on their descent from Com-pa-lubbee, or Mary Compalubbee, who was married to one Holt, who it is alleged was a citizen of the Choctaw Nation, resided in Mississippi in 1830 and emigrated to the Indian Territory in 1835.

The Commission rejected these parties October 30, 1902, and this office under date of March 9, 1903, transmitted the records of the case to the Department with the recommendation that the decision of the Commission rejecting the applicants be approved. The Department March 31, 1903, remanded this case on the report made from the examination of our records, which showed that there were several persons having names similar to that of the principal applicants

grandfather, and recommended that they be allowed time in which to secure such further evidence in support of their claim as they thought fit. The Commission in accordance with the directions contained in said letter, notified the applicants and their attorneys that they would be granted thirty days, in which to appear before them or submit affidavits or other properly authenticated papers in support of their claim. May 8, the case being called, no appearance was made by or on behalf of the applicants. The case was therefore forwarded to this office.

These being the facts, it is respectfully recommended that the decision of the Commission, as recommended in office letter of March 8, rejecting the applicants be approved.

Very respectfully,

W. A. Jones,
Commissioner.

C. T. C-L. C.

N. C. R. 5186.

Muskogee, Indian Territory, October 10, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby notified that on the 26th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lydia J. Zimmerman, et al., of which decision you were advised by mail on the 30th, day of October, 1903.

Respectfully,

Tame Lin
Chairman.

M. C. R. 5196.

Muskogee, Indian Territory, October 10, 1903.

Lydia J. Zimmerman,
Krebs, Indian Territory.

Dear Madam:

You are hereby notified that on the 26th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lydia J. Zimmerman, et al., of which decision you were advised by registered mail on the 30th, day of October, 1902.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 17, 1903.

W. J. Oglesby,
Krebbs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you ask what disposition has been made of the Mississippi Choctaw claim of Lydia J. Zimmerman.

In reply you are informed that it appears from our records that on September 26, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by Lydia J. Zimmerman for the identification of herself and minor children as Mississippi Choctaws, of which departmental action she was duly notified on October 10, 1903.

The Commission now considers this case closed.

Respectfully,

Commissioner in Charge.

M. C. R. 5196.

COPY

Muskogee, Indian Territory, October 10, 1903.

Francis A. Pierce,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that on the 26th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lydia J. Sinnerman, et al., of which decision you were advised by registered mail on the 30th, day of October, 1902.

Respectfully,

Francis A. Pierce
Chairman.

M C R 5196

Muskogee, Indian Territory, October 17, 1903.

Brooks Fort,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you ask to be advised the status of the Mississippi Choctaw case of Lydia J. Zimmerman, et al.

In reply you are informed that it appears from our records that on September 26, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by Lydia J. Zimmerman for the identification of herself and minor children as Mississippi Choctaws, of which departmental action she was duly notified on October 10, 1903.

The Commission now considers this case closed.

Respectfully,

Commissioner in Charge.

M C R 5196

Muskogee, Indian Territory, October 20, 1903.

Lydia J. Simmerman,

Krebs, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of September 12, 1903, in which you ask if any person has filed on section 11, township 6 north, range 15 east.

In reply you are informed that it appears from our records that on September 26, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application for identification as a Mississippi Choctaw, and it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

The Commission cannot furnish the information requested in your letter to any one except a duly recognized and enrolled citizen of the Choctaw or Chickasaw Nation.

Respectfully,

Commissioner in Charge.

M.C.R.5196

Muskogee, Indian Territory, April 12, 1904.

J. M. Humphreys,
Attorney-at-Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 6, 1904, enclosing certified copy of a power of attorney from Lydia Jane Zimmerman. You ask to be furnished a copy of the evidence in this case and state that if this applicant has rights as a Mississippi Choctaw, you wish to take her case; and if not, to put her out of her agony in the matter.

In reply to your letter you are informed that it appears from our records that on October 3, 1902, the Commission rendered a decision refusing the application made by Lydia J. Zimmerman for the identification of herself and her minor children as Mississippi Choctaws. On the same date she was notified of the action of the Commission and also that she would be allowed fifteen days from the date of the decision within which to file arguments in support of her claim. On November 15, 1902, the record in this case, together with the decision of the Commission refusing the application of Lydia J. Zimmerman, et al., was forwarded

J. N. H., 2.

to the Secretary of the Interior. On March 31, 1903, the Secretary of the Interior remanded to this Commission the record theretofore forwarded the Department in this case with instructions that the applicants be given an opportunity to introduce further testimony in support of their claim. The parties in interest were, on April 8, 1903, notified of the remanding of said case, and that the Commission would, at its office, at Muskogee, Indian Territory, up to and inclusive of Friday, May 8, 1903, hear the testimony of such witnesses as might present themselves in person and receive for consideration such documentary evidence as might be offered in support of this case. On May 9, 1903, the original record in the Mississippi Choctaw case of Lydia J. Simmerman, et al., together with copies of notices furnished the principal applicant in the case, her attorney and the attorneys for the Choctaw and Chickasaw Nations, was forwarded to the Department, no appearance having been entered by or on behalf of the applicant and no additional testimony having been offered by her within the thirty days allowed for this purpose. The Secretary of the Interior, on September 20, 1903, approved the decision of the Commission refusing the application made by Lydia J. Simmerman for the identification of herself and two minor

J. M. H., 3.

children as Mississippi Choctaws, of which Departmental action she was duly notified on October 10, 1903.

The Commission now considers this case closed, and it is not believed that these applicants are in any manner entitled to possessory rights in the tribal property of the Choctaw and Chickasaw Nations.

A copy of the testimony of Lydia J. Simmerman is herewith enclosed you.

Respectfully,

Commissioner in Charge.

JYK-15.

Muskogee, Indian Territory, May 20, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the Mississippi Choctaw case of Lydia J. Zimmerman, et al., the record therein together with the decision of the Commission refusing said application was, on November 5, 1902, transmitted to the Department. On March 31, 1903, the record in this case was remanded to the Commission with instructions that opportunity be granted the principal applicant to introduce further testimony in support of her claim. The parties in interest in this case were notified on April 8, 1903, that the Commission would, up to and inclusive May 8, 1903, receive additional testimony and evidence in support of this claim. No additional testimony being offered, the record was again transmitted to the Department May 9, 1903.

The Department, on September 26, 1903, approved the decision of the Commission in this case, and on October 10, 1903, the principal applicant, her attorney and the attorneys for the Choctaw and Chickasaw Nations were duly notified of such Departmental action. On May 18, 1904, the Commission received from J. B.

Secretary P.

Humphreys, attorney-at-law, Atoka, Indian Territory, the sworn
petition of Lydia J. Zimmerman, praying for a rehearing in the mat-
ter of the application made by her for the identification of herself
and minor children as Mississippi Choctaws. Said petition is
herewith transmitted.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

JYM-62.

M C R 5196

Muskogee, Indian Territory, September 30, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

In accordance with your request of the 26th instant, there is herewith enclosed you, copy of the testimony in the matter of the application of Lydia J. Zimmerman, et al., for identification as Mississippi Choctaws.

Respectfully,

JD

Chairman.

Muskogee, Indian Territory, October 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the Mississippi Choctaw case of Lydia J. Zimmerman, et al., the record therein, together with the decision of the Commission refusing said application, was, on November 16, 1902, forwarded to the Department.

On March 31, 1903, the record in this case was remanded to the Commission with instructions to allow the applicants to introduce additional evidence in support of their claim. The record, and additional proceedings had in the case, was again transmitted to the Department on May 9, 1903, the decision of the Commission being approved on September 26, 1903.

September 27, 1904, the Commission received from E. A. Newman, agent, in the place of J. M. Humphries, attorney of record, the sworn petition of Lydia J. Zimmerman, asking for a rehearing in the matter of her application for identification as a Mississippi Choctaw. Said petition is herewith transmitted.

Respectfully,

Through the Commissioner
of Indian Affairs.

Chairman.

Muskogee, Indian Territory, October 17, 1904.

E. A. Newman,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the sworn petition of Lydia J. Zimmerman praying for a rehearing in the matter of her application for identification as a Mississippi Choctaw. The same has this day been transmitted to the Secretary of the Interior. The letter addressed to Mr. J. M. Humphries from the Department, dated September 7, 1904, and which was forwarded to this office with the petition above referred to, is herewith returned.

Respectfully,

Chairman.

COPY

Land.
74076-1904

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, October 29, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Permit me to invite your attention to letter from the Commission to the Five Civilized Tribes, dated October 17, 1904, relative to the Mississippi Choctaw case of Lydia J. Simmerman or Zimmerman, et. al., the record in which, together with the decision of the Commission refusing the application was on November 15, 1902 forwarded to the Department.

On March 31, 1903 the record in this case was remanded to the Commission with instructions to allow the applicants to introduce additional evidence in support of their claim. The record and additional proceedings had in the case was again transmitted to the Department on May 9, 1903, the decision of the Commission being approved on September 26, 1903.

September 27, 1904 the Commission received from E. A. Newman, agent in the place of J. M. Humphreys, the attorney of record, the sworn petition of Lydia J. Zimmerman, asking for a rehearing in the matter of her application for identification as a Mississippi Choctaw. The petition is enclosed.

There is nothing set out in the application that has not

already been covered in the papers heretofore considered in connection with Mrs. Zimmerman's case and in the event the evidence were produced which she now tenders, it could not lead to any different conclusion than has already been reached in the case. I therefore recommend that the rehearing be denied.

Very respectfully,

A. C. Tehner,

Acting Commissioner.

E.B.H.-L.M.

C O P Y

J.W.H.

DEPARTMENT OF THE INTERIOR,
FHE.

D. C. 10292
I.T.D. 9521-1904.
11146- "

Washington.

February 25, 1905.

L R S

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

Gentlemen:

October 17, 1904, you transmitted the petition of Lydia J. Simmerman (or Zimmerman) for a rehearing in the matter of the application of herself and others for identification as Mississippi Choctaws.

In support of her claim the petitioner alleges that she is the descendant of a Choctaw Indian named Compellaby; that the latter resided in Leake County, Mississippi, in 1830, near Standing Pine, and complied with article 14 of the treaty of that year between the Choctaw Nation and the United States. Mrs. Simmerman claims descent from said ancestor through her mother, Mary Holt (nee Compellaby). The petitioner offers to furnish in support of her allegations the testimony of Mimi York, Jimmie Ashton, Willie Wallace and Lee Silmon, "citizens of the Choctaw Nation". Said petition is followed by Mrs. Simmerman's statement which reads as follows:

"I hereby nominate and appoint R. A. Newman as my agent, in the place of J. M. Humphreys, my attorney of record"

The petition containing this statement was served upon

(2)

the attorneys for the Choctaw and Chickasaw Nations by registered mail, September 26, 1904, as is evidenced by the post office registry receipt.

The reply of the attorneys for the Choctaw and Chickasaw Nations to said petition was served November 17, 1904, upon J. M. Humphreys, Atoka, Indian Territory, notwithstanding Mrs. Simmerman's statement concerning the change of attorneys in the case. The nations object to a rehearing, submitting in support of their contention the affidavit of Mary R. Johnson, which sets forth that Mimi York, one of the persons whose testimony Mrs. Simmerman expects to furnish, is dead; also the affidavit of Willis Jackson; the latter, whose name is signed by mark, is represented to be the identical Willis Jackson referred to in Mrs. Simmerman's petition.

Inasmuch as the papers submitted by the nations bear no evidence of service upon Mrs. Simmerman, or her duly appointed attorney, they cannot be given the consideration which they might otherwise be entitled to receive. The premises considered, it is deemed that the motion for a rehearing should not be denied at this time. You will so inform the principal applicant, advising her of the Department's reasons for deferring action.

You will also advise Mr. Newman and the applicants whom he represents that they will be allowed to again file the same petition, or an amended petition, but that therewith they must furnish the affidavits of the witnesses whose testimony they desire to

(3)

submit. Such testimony must be full and explicit. All papers must bear proper evidence of service upon the opposite party, or his attorney of record.

The petition forwarded by you, filed by Mrs. Simmerman September 27, 1904, is returned herewith, to be sent to her or to her attorney. There is also inclosed the petition of the attorneys for the Choctaw and Chickasaw Nations, to be returned to them in order that proper service may be made. A copy of Indian Office letter of October 29, 1904, is also inclosed.

Respectfully,

THOS RYAN

Acting Secretary.

3 inclosures.

Muskogee, Indian Territory, March 15, 1905.

E. A. Newman,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of February 25, 1905, returned to the Commission the petition heretofore filed by Lydia J. Simmerman, through you as her agent, praying for a rehearing in the matter of the application for the identification of herself and minor children as Mississippi Choctaws.

It appears that the attorneys for the Choctaw and Chickasaw Nations filed with the Department a reply to said petition, objecting to a rehearing in the case. The petition was served upon J. M. Humphreys, Mrs. Simmerman's former attorney, instead of you.

The Department states that

"Inasmuch as the papers submitted by the nations bear no evidence of service upon Mrs. Simmerman, or her duly appointed attorney, they cannot be given the consideration which they might otherwise be entitled to receive. The premises considered, it is deemed that the motion for a rehearing should not be denied at this time,"

and directs the Commission to advise you that you will be allowed to again file the same petition, or an amended petition, but therewith must be furnished the affidavits of the witnesses whose

E A N S

testimony you desire to submit. Such testimony must be full and explicit. All papers must bear proper evidence of service upon the attorneys for the Choctaw and Chickasaw Nations.

The petition above referred to, together with copy of departmental letter of February 25, 1905, is herewith enclosed.

Respectfully,

Chairman.

MCM 3/15

Muskogee, Indian Territory, March 15, 1906.

Lydia J. Simmerman,

Krebs, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of February 25, 1905, returned to the Commission the petition heretofore filed by you, through your agent, E. A. Newman, of Atoka, Indian Territory, praying for a rehearing in the matter of the application for the identification of yourself and children as Mississippi Choctaws.

It appears that the attorneys for the Choctaw and Chickasaw Nations filed with the Department a reply to your petition, objecting to a rehearing in your case, said petition being served upon J. M. Humphreys, your former attorney, instead of E. A. Newman, your agent, and who represents you in said petition.

The Department states that

"Inasmuch as the papers submitted by the nations bear no evidence of service upon Mrs. Simmerman, or her duly appointed attorney, they cannot be given the consideration which they might otherwise be entitled to receive. The premises considered, it is deemed that the motion for a rehearing should not be denied at this time,"

and directs the Commission to advise you that you will be allowed to again file the same petition, or an amended petition, but therewith must be furnished the affidavits of the witnesses whose

L J S 2

testimony you desire to submit. Such testimony must be full and explicit. All papers must bear proper evidence of service upon the attorneys for the Choctaw and Chickasaw Nations.

Your petition has this day been returned to your agent, E. A. Newman, Atoka, Indian Territory.

Respectfully,

Chairman.



Muskogee, Indian Territory, April 3, 1905.

E. A. Newman,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th ultimo, in which you state that in the matter of the allotment of Bettie Winlock, deceased, wherein Eliza Winlock was administrator, Lydia J. Zimmerman made affidavit on the death proof as a citizen by blood; that it seems that Rufus Winlock made a separate affidavit to the effect that the said Lydia J. Zimmerman was a citizen by blood of the Choctaw Nation; and that if this is true you desire a statement to this effect.

In reply you are informed that it appears from our records that Lydia Jane Zimmerman made affidavit, as an acquaintance, to the death of Bettie Winlock, the signature to said affidavit being by mark.

It does not appear that Rufus Winlock made an affidavit relative to Lydia Jane Zimmerman being a Choctaw by blood, in connection with this case.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 15, 1905.

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

Gentlemen:

The Secretary of the Interior with his letter of February 25, 1905, returned to the Commission the petition heretofore filed by Lydia J. Simmerman, through her agent, E. A. Newman, of Atoka, Indian Territory, praying for a rehearing in the matter of the application for the identification of herself and minor children as Mississippi Choctaws; also your reply to said petition.

It appears that you served your petition upon J. M. Humphreys, Mrs. Simmerman's former attorney, instead of E. A. Newman who now represents her.

The Department states that

"Inasmuch as the papers submitted by the nations bear no evidence of service upon Mrs. Simmerman, or her duly appointed attorney, they cannot be given the consideration which they might otherwise be entitled to receive. The premises considered, it is deemed that the motion for a rehearing should not be denied at this time,"

and directs the Commission to advise Mr. Newman and the applicants that they will be allowed to again file the same petition, or an amended petition, but that therewith they must furnish the affidavits of the witnesses whose testimony they desire to submit.

M McM & C 2

Your reply to the petition above referred to is enclosed
you herewith in order that proper service may be made.

A copy of departmental letter of February 25, 1905, is
herewith enclosed for your information.

Respectfully,

Chairman.

McM 099

Muskogee, Indian Territory, May 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted for the consideration of the Department, an amended petition of Lydia J. Zimmerman, through her agent, E. A. Newman, Atoka, Indian Territory, praying for a re-hearing in the matter of her application for identification as a Mississippi Choctaw, M C R 5196.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

McM 3

M C R 5196

Muskogee, Indian Territory, May 23, 1905.

E. A. Newman, Agent,

Atoka, Indian Territory.

Dear Sir:

The amended petition of Lydia J. Zimmerman, through you as her agent, recently received at this office, praying for a re-hearing in the matter of the application of petitioner for identification as a Mississippi Choctaw, has this day been forwarded to the Secretary of the Interior for his consideration.

Respectfully,

Chairman.

Muskegee, Indian Territory, August 28, 1906.

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

Gentlemen:

For your information there is herewith enclosed copy of departmental letter of August 17, 1906, denying the petition of Lydia J. Zimmerman for a rehearing in the matter of her application for identification as a Mississippi Choctaw.

Respectfully,

Commissioner.

McM 28/3

Comr No. 40277

C O P Y

J.W.H.

DEPARTMENT OF THE INTERIOR,
Washington. MS.

I.T.D. LRS
3679-1905.
2651-1905.
7818-1905.

August 17, 1905.

The Commissioner to the
Five Civilized Tribes,
Muskogee, Ind. Ter.

Sir:-

May 23, 1905, you transmitted the amended petition of Lydia J. Zimmerman, praying for a rehearing in the matter of the application of herself and others for identification as Mississippi Choctaws.

This petition was returned to you February 25, 1905, because incomplete in certain respects, and you were instructed to advise the applicants that in resubmitting their amended petition they should file therewith the affidavits of the witnesses whose testimony they desire to submit at the rehearing, such testimony to be full and explicit.

The principal applicant claims to be a descendant of a Choctaw Indian named Compellaby who resided in Leake County in the old Choctaw Nation, Mississippi, 1830, and who was apparently a beneficiary under Article 14 of the treaty of Dancing Rabbit Creek.

Descent is claimed from said ancestor through his daughter Mary, who it is alleged married a man named Holt, who was the father of the principal applicant.

The rehearing is prayed for that the applicants may show that their alleged ancestor Compellaby was identical in person with the Compellaby who was a beneficiary under said treaty.

The petitioner alleges that she expects to prove her case by the sworn statements of Mimi York, Jinnie Ashton, Willis Jackson and Lee Silmon.

It appears that the said Mimi York is dead and that the affidavit of the said Jimmie Ashton has not been furnished as was directed.

The affidavit of Willis Jackson was filed by the petitioner. An affidavit executed by him was also filed by the attorneys of the Choctaw and Chickasaw Nations. Upon careful comparison of these affidavits, it is found that in material respects they agree. The affidavit of said affiant is not considered sufficient, however, to warrant the conclusion that Mary Holt, nee Compellaby, mother of the principal applicant was the daughter of the Compellaby of record. Affiant's admission being that he is not certain as to what Compellaby's daughter's name was. In addition to the affidavits referred to above, those of Simpson York, Bible Wade and Lee Silmon were furnished. These affidavits are too brief,

(3)

vague and indefinite to constitute satisfactory evidence in support of the petitioner's allegations.

The Department concludes that the testimony contained in the affidavits referred to above does not establish a prima facie case. Accordingly said petition is hereby denied.

Respectfully,

THOS RYAN

Acting Secretary.

Muskogee, Indian Territory, August 28, 1905.

E. A. Newman,
Agent,

Atoka, Indian Territory.

Dear Sir:

There is herewith enclosed copy of departmental letter of August 17, 1905, denying the petition of Lydia J. Zimmerman for a rehearing in the matter of her application for identification as a Mississippi Choctaw.

Respectfully,

Commissioner.

McM 28/2

Muskogee, Indian Territory, August 28, 1905.

Lydia J. Zimmerman,

Krebs, Indian Territory.

Dear Madam:

There is herewith enclosed copy of departmental letter of August 17, 1905, denying your petition, filed by E. A. Newman, your agent, for a rehearing in the matter of your application for identification as a Mississippi Choctaw.

Respectfully,

Commissioner.

McM 28/1

Power of Attorney.

I, Lydia J. Zimmerman, of Krebs, I. T., in the
Central District of the Indian Territory, do hereby appoint J. M. Humphreys
of Atoka, I. T., my attorney for
me and in my name to prosecute, or appeal my claim for citizenship as
Mississippi Choctaw, before the Commission to the Five Civilized
Tribes, or other courts, I authorize him to get all papers and other
evidence to prove said claim and do all things necessary tending
toward a final disposition of said case before any court having
jurisdiction
with full power of substitution and revocation, hereby authorizing whatever my said attorney shall lawfully
do in the premises.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 6
day of April, A. D., 1904.

Lydia J. Zimmerman

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Central DISTRICT.

On this the 6 day of April, 1904, before me, a Notary Public, within and for the
Central District of the Indian Territory, personally appeared Lydia J. Zimmerman, well
known to me as the person signing the above and foregoing power of attorney and acknowledged to me that she had executed
the same for the purpose and consideration therein mentioned and set forth and I do hereby so certify.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal as such Notary Public, within and for
the Central District of the Indian Territory, on the day and date last above mentioned.

F. A. Newman,
Notary Public.

Choctaw MCR 5197

Amie Hacubbee

MCR 5197

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Amie Ha-cubbee (Il
le-ah-ho-ki), et al., for identification as Mississippi Choctaws
M.C.R. 5197.

---o---

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-- -0----

In the matter of the application of Amie Ha-cubbee (Il-le-mah-ho-ki), et al., for identification as Mississippi Choctaws H.C.R. 5197.

: I N D E X :-

	(Page)
Original application of Amie Ha-cubbee (Il-le-mah-ho-ki), et al., for identification as Mississippi Choctaws.....	1
Decision of the Commission identifying above applicants...	11.

- -0--

5197

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Toles, Mississippi, April 8th, 1902.

In the matter of the application of Amie Ha-cubbee for the identification of herself and two minor children, Archie and Tinsley Pistubbee, as Mississippi Choctaws.

Said Amie Ha-cubbee, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission)

- Q What's your name? A Amie Ha-cubbee.
Q How old are you? A About seventy-three.
✓ Q Are you a full blood Choctaw? A Yes.
Q What's your postoffice address? A Toles.
Q Do you live in Kemper County, Mississippi? A Yes.
Q How long have you lived here in Kemper? A About three months.
Q Where did you live before that? A Neshoba.
Q How long did you live in Neshoba? A I don't know how many years
I was raised in Newton and have lived in Newton and Neshoba all my
life.
✓ Q Is your father living? A dead.
Q How long has he been dead? A About twenty years.
Q About how old was he when he died? A About sixty.
Q He must have been older than that--wasn't he--don't you think he
was as old as you are when he died? A Yes, I think so.
✓ Q What was his name? A Ha-cubbee.
Q Did he live here in Mississippi all his life? A Yes.
✓ Q Was he a full blood Choctaw? A Yes.
Q Do you know the names of his parents? A I don't know my father's
father.
Q What was your father's mother's name? A I don't know.
✓ Q Is your mother living? A Dead.
Q How old would she be if she were living now? A She was about
as old as I am when she died.
Q How long has she been dead? A About thirty years.
Q Did she live in Mississippi all her life? A Yes.
✓ Q What was her name? A Ha-thla-che-mah.
Q Do you know the name of her father? A I don't know.
Q Or of her mother? A I don't know.
✓ Q As far as you know, all of your ancestors have been full blood
Choctaws and have always lived in Mississippi, have they? A Yes.
Q Are you married? A Yes.
Q Is your husband living? A No.
✓ Q Have you any minor children living? A No--I have two minor
orphan grandchildren living with me for whom I want to make applica-
tion.
✓ Q What are the names of these grandchildren and their ages? A
Tinsley and Archie.
Q How old is Tinsley? A About fifteen.
Q How old is Archie? A About seventeen.
Q How long have these children lived with you? A About eight or
ten years.
✓ Q What was the name of their father? A Klan Pistubbee.
Q How long has he been dead? A Twelve or fourteen years.

Amie Ha-cubbee et al--2

- Q Was he your own son? A Yes.
- ✓ Q Was he a full blood Choctaw? A Yes.
- ✓ Q What was the name of the mother of these children? A Martha.
- ✓ Q Was Martha a full blood Choctaw? A Yes.
- Q How long has she been dead? A About three years.
- Q Did Elan and Martha always live here in Mississippi? A Yes.
- Q Is Martha's father living? A No.
- Q Is her mother living? A No.
- ✓ Q What was the name of her father? A Fish.
- Q Did he have any other name? A That's all I ever heard.
- ✓ Q He was a full blood, was he? A Yes.
- Q Live in Mississippi all his life? A Yes.
- Q What was the name of Martha's mother? A I don't know.
- ✓ Q As far as you know all of the ancestors of Martha and all of the ancestors of Elan have all been full bloods, have they? A Yes.
- Q And have always lived in Mississippi? A Yes.
- Q What was the name of Elan's father? A Pistubbee.
- Q Have you any other children living with you besides these two grandchildren? A No.
- ✓ Q This application, then, is for yourself and two minor grandchildren, is that right? A Yes.
- Q Is your name or the name of either one of these grandchildren 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 these two children for the purpose of establishing your rights as Choctaw Indians? A Yes, three years ago at Philadelphia.

The records of the Commission show that on the 30th day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of this applicant and three minor grandchildren, Archie, Tinsley and Martie Elan, as Mississippi Choctaws, their names appearing upon M.C.C. Field No. 140, also upon page 53 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 491, 492, 493, and 494 respectively thereon.

- Q Did you live at Tucker, Mississippi, three years ago when you made this application? A Yes.
- Q At that time did you have a grandchild by the name of Martie, a little girl, living with you? A Yes, the name of this child was Mattie, not Martie.
- Q Does this child live with you now? A She lives with her father.
- Q What's her father's name? A Horace Pistubbee, my son.
- Q Is Mattie's mother living? A Dead.
- Q What was her name? A Lona.
- Q Was Lona a full blood? A Yes.
- Q The records of the Commission show that you told the Commission three years ago that the names of the father and mother of this child are Elan and Martha—you are sure now that Horace is the father of this child and not Elan? A Yes.
- Q That was a mistake then three years ago, was it? A Yes.

Anie Ha-cubbee et al--3

Q Do you know whether Horace gave in Mattie's name three years ago, too? A I went before the Commission and after that the father of the child gave in the name too.

From the testimony of the applicant there can be no doubt that Mattie Pistubbee, No. 4 on card No. 237 and Martie Elan, No. 4 on card No. 140, are one and the same child. The father of this child, Horace Pistubbee, appeared before the Commission at Philadelphia, Mississippi, on the 4th day of May, 1901, and made application in her behalf.

Q Is this application made for you and these grandchildren three years ago at Philadelphia the only application of any kind that has ever been made for any of you? A Yes.

Q You appear before the Commission at this place for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor orphan grandchildren 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.

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 this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made ~~the~~ some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi and not move out to the new nation 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 the ancestors of Elan Pistubbee or Martha Pistubbee 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 Martha's father, I think, got some land under that treaty.
- Q What was his name? A Ah-took-ah-lah.
- Q Do you know when Ah-took-ah-lah got this land? A No.
- Q Do you know where the land is? A In Neshoba County on Cushtusa Creek.
- Q Do you know the numbers of the land? A No.
- Q Do you know how much there was of it when he got it? A I don't know.
- Q Was Ah-took-ah-lah older than you or younger than you? A Right smart older than me.
- Q About how many years older than you? A I spect about twenty some odd years older than me.
- Q Did he have any children as old as you? A Yes, maybe some as old as me and some younger.
- Q Do you remember the names of some of his oldest children, Choctaw names? A No, I can't think of them.
- Q Would you know the names of them do you think if they were called? A I think so.
- Q Was one of them Con-c-moon-tubbee? A No.
- Q I-yo-la? A No.
- Q Kmah? A No.
- Q Con-sha-hc-ka? A No.
- Q Nokenabahnubbee? A No.
- Q Fil-e-tonah? A No.
- Q Do you remember when the treaty of Dancing Rabbit Creek was made? A No.
- Q Who owns that land now that Ah-took-ah-lah got from the Government a long time ago? A A white man lives on it.
- Q Did Ah-took-ah-lah ~~it~~ live on it until he died? A Yes.
- Q Who got it after he died? A Fish was living on it after Ah-took-ah-lah died--he was a brother-in-law of Ah-took-ah-lah.

On page 497 of Volume 1 of the record of the Court of Claims in case No. 12742, in a list of 27 cases fully adjudicated by Commissioners Tyler, Gaines and Rush, appointed under the act of Congress approved August 23, 1842, appears the case of Ah-took-ah-lah who at the time the treaty was made lived on Section 10, Township 9, Range 13. It appears

Amie Ha-cubbee et al--5

that this case was passed upon favorably by said Commissioners and that on the 23rd day of July, 1845, the decision of the Commissioners was approved by the Secretary of War. It is impossible from the testimony of this applicant to determine with any degree of certainty whether Ah-took-ah-lah, whose claim was adjudicated by the Commissioners appointed under the act of Congress of August 23, 1842, was the father of Martha Pistubbee the mother of the two minor orphan grandchildren of the applicant, for whom she makes application.

- Q Do you know whether any of your ancestors or any of the ancestors of the father of Elan Pistubbee 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 I don't know whether they did or not.
- Q Did any of your ancestors or any of the ancestors of the father of Elan Pistubbee or any of the ancestors of Martha Pistubbee 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 My ancestors got land under that treaty too--and my husband's did too.
- Q What one of your ancestors got land here in Mississippi from the Government?
A My father, Ha-cubbee.
- Q Have you a Choctaw name?
A Yes, Il-le-mah-ho-ki.
- Q Did you ever have a sister by the name of Took-lah-he-mah?
A No--I have a brother older than I am--his name was Bah-ne-tubbee--I had an older sister name Susa.
- Q Which was the older, Susa or Bah-ne-tubbee?
A Susa was the oldest.
- Q Did you have any other sisters older than you?
A No, I was next to Bah-ne-tubbee.
- Q Did you ever have a sister by the name of Ish-te-la-mah?
A Yes, that was my sister.
- Q Wasn't she older than you?
A That was my name.
- Q You told us a while ago your name was Il-le-mah-ho-ki?
A Susa was the oldest and I was the third child.
- Q You told us a while ago that your name was Il-le-ma-ho-ki--now which is correct, Il-le-ma-ho-ki or Ish-te-la-mah?
A Il-le-ma-ho-ki
- Q Do you remember having a sister by the name of Ish-te-la-mah?
A I had a sister by the name of Becky younger than me.
- Q What was her Choctaw name?
A Didn't have any Choctaw name as I know of.
- Q Where is that land that your father Ha-cubbee got from the Government?
A Newton County on a creek by the name of Tolasha.
- Q How much of that land did your father get from the Government?
A I was small and I don't know how much land he did get.
- Q Whatever became of that land?
A White man got it.
- Q How did he get it?
A I think he sold it to white man.
- Q How long did your father live on it?
A I don't know--he lived on it a right smart while.
- Q How many years do you think?
A Maybe about ten years.

In accordance with the provisions of this 14th article of

Amie Ha-cubbee et al--6

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 1845 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek that 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 the father of Elan Pistubbee or any of the ancestors of Martha Pistubbee 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.

On Page 539 of Volume one of the record of the Court of Claims in case No. 12742, entitled the Choctaw Nation of Indians vs the United States, in a list of twelve cases fully adjudicated by Commissioners Tyler, Gaines and Rush, appointed under the act of Congress approved August 23, 1842, appears the case of Ha-cubbee 2nd, No. 41, it appearing that on the day the treaty was made said Ha-cubbee was living on Section 16, Township 8, Range 13; that he had at the time the treaty was made three children in his family under ten years of age, namely, Susa, Bah-ne-tubbee and Ish-te-la-mah; that the claim of said Ha-cubbee and in behalf of himself and three minor children was passed upon favorably by said Commissioners and that the decision of the Commissioners was affirmed on the 23rd day of July, 1845, by the Secretary of War. From the testimony of the applicant it seems probable that said Ha-cubbee 2nd, whose claim was adjudicated by Commissioners Tyler, Gaines and Rush, was her father.

Q What one of your husband, Pistubbee's, ancestors got land here in Mississippi from the Government? A My husband's father.

Amie Ha-cubbee et al--7

- Q What was his name? A Me-ah-shan-tah.
Q Was your husband older or younger than you? A Older than me.
Q Where was his land that he got from the Government? A There in Neshoba County at a place called Apela.
Q A town or creek? A Apela Creek.
Q What part of Neshoba County? A South, next to Newton County.
Q How much land did he get? A He got about a mile square and he had children and they got some.
Q How long did they live on that land? A His grandchildren are living on it now.
Q What are the names of those grand children who are living on that land now? A Davis Himonubbee and Shook Himonubbee.
Q What was your husband's Choctaw name? A Pasachubbee.
Q Did he have any brothers older than he? A Yes.
Q Do you know their names? A No.
Q Did he have a sister older than he? A Yes.
Q What was her name? A Ho-che-mah.
Q Cant you think of the Choctaw names of these older brothers of your husband's? A No, I cant think of their names.
Q Was one of them named To-nubbee? A Yes.
Q Did he have one by the name of Hoo-tubbee? A I don't know.
Q Do you know whether your husband's father Me-ah-shan-tah appeared before any of these Commissioners appointed under the acts of Congress approved between the years 1837 and 1842 and tried to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know about that--I was small then.

On Page 547 of Volume one of the record of the Court of claims in case No12742, entitled the Choctaw Nation of Indians vs the United States in a list of cases adjudicated by Commissioners Tyler, Gaines and Rush, appointed under the act of Congress approved August 23, 1842, appears the case of Me-ah-shan-tah, No. 351, it appearing that at the time the treaty was made he had living in his family one child over ten years of age and three children under ten years of age. The claim of Me-ah-shan-tah was passed upon favorably by the said Commissioners and the decision of the Commissioners was on the 31st day of May, 1845, affirmed by the Secretary of War. The land claimed by Me-ah-shan-tah not having been disposed of by the Government was awarded to him and his four minor children.

- 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 or any of the ancestors of Martha Pistubbee covering land here in Mississippi received from the Government under article 14 of the treaty of Dancing Rabbit Creek? A Yes, I think my husband's ancestors got land paper and I think some of his folks got ~~some~~ that paper yet.
Q Do you know who has it? A Either Shook or Davis Himonubbee.
Q Did you ever see such a paper covering land issued to your people? A No, I never seen it.
Q Or land received by Martha's ancestors? A No.
Q You have no written evidence to offer at this time in support of your application? A No.

Amie Ha-cubbee et al--8

- Q Any witnesses? A No.
- Q How many children have you living? A Two, one son and one daughter. My son's name is Horace Pistubbee and my daughter's name is Me-che-ho-nah.
- Q Is she married? A Yes.
- Q What is the name of her husband? A John Johnson.
- Q Has he been before the Commission? A Yes.
- Q Is he a full blood Choctaw? A Yes.
- Q Has your daughter an English name? A No.
- Q Have you any sons dead besides Elan? A Yes, four dead besides Elan.
- Q Did any of those four leave children? A No.
- Q Did Elan leave any other children besides the two for whom you are making application now? A No.
- Q Have you any daughters dead? A Yes.
- Q How many? A Two.
- Q Did either of them leave children? A No.
- Q Has Martha, the mother of these two children for whom you make application, any brothers living? A Yes.
- Q How many? A One.
- Q What's his name? A Fish.
- Q Has he any other name? A Charlie Fish.
- Q Where does he live? A Don't have no particular home; just lives here and there.
- Q Has he been before the Commission? A I don't know.
- Q Has he any other name besides Charlie Fish? A That's all.
- Q Is he married? A Yes, his wife's dead.
- Q Has he any children living? A I've heard he has three or four children with him.
- Q Do you know where he is now? A No.
- Q Has he any brothers dead who left children? A No.
- Q Has he any sisters living? A No.
- Q Has he any sisters dead besides Martha? A No, didn't have no other sisters.
- Q Have you any brothers living? A Yes, one living.
- Q What's his name? A Hocha.
- Q Has he an English name? A John Johnson.
- Q Has he any sons living? A Three.
- Q What are their names? A Henry Johnson, Fayette Johnson and Andy Johnson.
- Q Have you any sisters living? A Yes.
- Q How many? A One.
- Q What's her name? A Phoebe.
- Q Does she go by the name of Mollie? A Yes, Mollie Hacubbee.
- Q What's her Choctaw name? A Phoebe.
- Q Has she any other name? A No.
- Q Where does she live? A Right across the creek near Toles.
- Q What's her postoffice address? A Toles.
- Q Is she your full sister? A Yes.
- Q About how old is she? A I don't know about how old she is-I reckon about sixty-five.
- Q Has she always lived here in Mississippi? A Yes.
- Q Has she any minor children living? A No.
- Q With whom does she live? A Lives with her son.
- Q What's his name? A Ma-hubbee--his English name is Chubby Scott.
- Q Has she any other children living besides Chubby? A Yes, Marshall Scott.

Amie Ha-cubbee et al--9

- Q Has she any daughters living? A Yes, one daughter.
Q What's her name? A I-ah-he-mah.
Q Is she married? A Yes.
Q What's her husband's name? A William McDonald.
Q Has this girl an English name? A No, I think not.
Q Has your sister Mollie any other daughters living besides this one?
A She has two more.
Q What are their names? A Lillie.
Q Is she married? A Yes--both married.
Q What is Lillie's husband's name? A Chatman Thompson.
Q What's the name of the other one of her daughters? A Anna.
Q What's her husband's name? A Lee McDonald.
Q Brother of William McDonald? A Yes.
Q Is that all of the daughters Mollie has living? A Yes.
Q She only has two sons living? A Yes.
Q Has she any sons dead who left children? A No.
Q Have you any brothers dead who left children? A Yes.
Q How many? A Five left children.
Q What was the name of the oldest one who left children? A Bah-na-tubbee.
Q How many of his children are living now? A All dead but one daughter--she lives in Scott County.
Q What's her name? A A-wan-to-nah.
Q Is she married? A Yes, she's the wife of Joe Williamson the half-brother of Doctor Dixon.
Q Has she an English name? A I don't know.
Q Are any of the grandchildren of this brother of yours, Bah-na-tubbee living ~~xxxx~~, besides the children of Joe Williamson and A-wan-to-nah? A No.
Q All of those are dead too? A Yes.
Q What was the name of your next brother who left children? A Jim Polk/
Q Are any of his children living now? A Yes.
Q How many? A Two sons and three daughters.
Q What are the names of the sons? A Winston Polk and George Polk.
Q What are the names of the daughters? A E-ah-ho-to-nah.
Q Is she married? A Yes.
Q What's her husband's name? A John Billy, I guess--he's now dead.
Q What's this woman's English name? A I don't know.
Q What's the name of another one of these daughters of Jim Polk?
A I-ah-te-mah.
Q Is she married? A Yes.
Q What's her husband's name? A Jefferson Simpson.
Q What's the name of the next one of these daughters of Jim Polk?
A Me-te-mah.
Q Is she married? A Yes.
Q What's her husband's name? A Isaac Williams.
Q Is he living? A No, he died within the last few months.
Q Do you know this woman's English name? A I don't know.
Q Has Jim Polk any children dead who left children? A No.
Q What's the name of the next one of your brothers who is dead and who left children? A That's all.
Q Jim Polk and Bah-na-tubbee, then, are the only two of your brothers who left children, is that right? A Yes.

Amie Ha-cubbee et al--10

- Q Have you any sisters dead who left children? A No.
Q Was your husband married before he married you? A Yes.
Q Did he have any children by any former wife? A Yes, had one child but its dead.
Q Did that child leave any children? A No.
Q Are all of your children the children of yourself and Pasachubbee?
A Yes.
Q Are any of Pa-sa-chubbee's brothers or sisters living? A No.
Q Are any of his brothers or sisters dead who left children? A He has a sister dead named Ho-che-ma, who left three children who are now living, Shook Himonubbee and Davis Himonubbee and one sister Inoli.
Q Are these children the only living children of any of your husband's brothers or sisters? A Yes, that's all.
Q Are any of the grandchildren of any of your husband's brothers or sisters except the children of these three, Shook, Davis and their sister, living? A No.
Q Are any of Martha Pistubbee's father's brothers or sisters living?
A No.
Q Are any of their children living? A I don't know.
Q Are any of Martha'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 very little English, the examination having been conducted entirely through a sworn Choctaw interpreter. It appears from her testimony and the records in the possession of the Commission that her ancestors and her husband's ancestors, both, received land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek.

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 Toles, Mississippi, April 8th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 14th day of April, 1902, at Meridian, Mississippi.

E. B. Massey
Clerk USCircuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Over

-----0-----

In the matter of the application of Amie Ha-cubbee (Il-le-mah-ho-ki), et al., for identification as Mississippi Choctaws M.C.B. 5197.

• 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 8, 1902 by Amie Ha-cubbee (Indian name Il-le-mah-ho-ki) for herself and her two minor grand-children Tinsley and Archie Pistubbee 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.

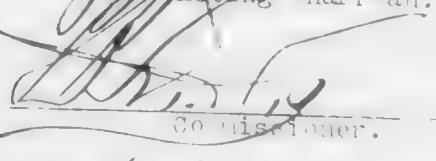
Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902 (32 Stats., 641) and ratified by the Choctaw and Chickasaw Nations September 20, 1902, provides as follows:

"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 Annie Ha-cubbee (Il-le-mah-ho-ki), Tinsley Pistonee and Archie Pistonee should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


J. M. McKim
Commissioner.


C. A. Rice
Commissioner.

Muskogee, Indian Territory,

APR 21 1903

Muskogee, Indian Territory, February 13, 1903.

Tinsley Pistubbee,

Remailed - Jules. News - April 2, 1903

Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you ask "can full blood Choctaw Indians now living in the Indian Territory, Chickasaw Nation, have land set aside to them now? I read in the agreement of July 1st that Mississippi Choctaws must make application personally before you to have land set aside to him." You desire to know when and where such personal application should be made.

Replying to your letter you are informed that it appears from the records of the Commission that you are an applicant to the Commission for identification as a Mississippi Choctaw. The Commission has not up to the present time reached any opinion or decision relative to your right to such identification but is now considering your application and it is probable a decision will be rendered in the near future. You will be notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Relative to your right to hold lands in the Choctaw and Chickasaw Nations, your attention is invited to the following provision of the act of Congress approved July 1, 1902, which was

T. P.-----2

ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Respectfully,

Acting Chairman.

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 Amie Ha-cubbee (Indian name Il-le-mah-ho-ki) and her two minor grand-children Tinsley Pistubbee and Archie Pistubbee 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 Amie Ha-cubbee (Indian name Il-le-mah-ho-ki) and her two minor grand-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 July identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered.
Enc. 5197

SIGNED:

James Dixby,
Chairman.

N.C.R. 5197.

COPY.

Muskogee, Indian Territory, May 6, 1903.

Amie Ha-cubbee, (Il-le-mah-he-ki),

Toles, 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 yourself and your minor grand-children, Tinsley Pistubbee and Archie Pistubbee, 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,

(S)

James D. ...
Chairman.

Registered.

Enc. 5197.

#798

No. 5197

For Identification as a Mississippi Choctaw.

Notes Miss

Date April - 1912

Name Amie Nacubbee

de le nua noka

Age 73

Blood full

Post Office, ...

Father: ... d

Mother: ... d

Claims through

Children:

Simon Nacubbee

b

Cherie

1

Father ... Nacubbee

1 d

Mother ...

d

Stenographer

A. S. Miller

Choctaw MCR 5198

John Willis
(Il-le-ah-tubbee)

MCR 5198

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of John Willis (Il-le-
ah-tubbee) for identification as a Mississippi Choctaw, P.C.R. 3198

-----o-----

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of John Willis (Il-le-ah-tubbee) for identification as a Mississippi Choctaw, H.C.R. 5198

--- I N D E X ---

	(Page)
Original application of John Willis (Il-le-ah-tubbee) before the Dawes Commission for identification as a Mississippi Choctaw.....	1
Testimony of Adam Brokeshcolder taken at Meridian Miss. April 28, 1902.....	8
Decision of the Commission identifying above applicant....	12.

-----0-----

5198

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Toles, Mississippi, April 8th, 1902.

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

Said John Willis, being first duly sworn, testified as follows:

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A John Willis.
- Q How old are you? A Fifty-nine or Sixty.
- Q How much Choctaw blood have you? A Full blood.
- Q What's your postoffice address? A Toles.
- Q Do you live in Kemper County? A Yes.
- Q How long have you lived in Kemper County? A Since I was about seven or eight years old.
- Q Where did you live before that? A Neshoba.
- Q You have lived, then, in the State of Mississippi all your life, have you? A Yes.
- Q Have you a Choctaw name? A Il-le-ah-tubbee.
- Q Is your father living? A Dead.
- Q What was his name? A Ma-shone-tah-tubbe.
- Q How old would your father be if he were living now? A About ninety.
- Q Did he live in Mississippi all his life? A Yes.
- Q Do you know the names of his father and mother? A No.
- Q Is your mother living? A Dead long time.
- Q What was her name? A Cun-e-o-te-mah.
- Q Did your mother live here in Mississippi all her life? A Yes.
- Q Was she older or younger than your father? A Younger than my father.
- Q What's your mother's father's name? A Ish-ton-ok-we-ah.
- Q What was the name of your mother's mother? A I don't know.
- Q Have all of your ancestors been full blood Choctaws? A Yes.
- Q Have they always lived in Mississippi? A Yes.
- Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No.
- Q Have you ever been in Indian Territory? A Yes, went out there and stayed a year.
- Q When? A Maybe ten years or over.
- Q You stayed out there a year at that time? A Yes.
- Q Did you make application to the Choctaw Tribal authorities to be admitted to citizenship out there at that time? A No.
- Q Did you get any money out there from the Government or from the Choctaw Tribal authorities? A No.
- Q Is that the only time you were ever out there? A Yes.
- Q Have you ever made any application of any description before today for the purpose of establishing your rights as a Choctaw Indian? A No.
- Q Never did appear before this Commission before? A No.
- 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.

John Willis--2

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

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

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section 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 How many times were you married? A Just married once.

Q What was your wife's name? A Sookey was her English name-- Il-la-po-nah her Choctaw name.

Q How long has Sookey been dead? A Twenty-four years.

Q Was she a full blood Choctaw? A Yes.

Q Did she live in Mississippi all her life? A Yes.

Q Was she older or younger than you? A Younger than me.

Q Were you married under a license or according to Choctaw custom? A Choctaw custom.

Q How long did you live with her? A I reckon about twenty-five years.

John Willis--3

- Q How many children were born to you? A Four.
- Q Are they all living now? A Yes, four living now-two died when they were little.
- Q Is Sookay's father living? A Dead.
- Q What was his name? A Tah-nap-ha-cubbee.
- Q Did he live here in Mississippi all his life? A Yes.
- Q Is your wife's mother living? A Dead.
- Q What was her name? A Ish-te-ma-che.
- Q Did she live here in Mississippi all her life? A Yes.
- Q About how old would your wife's father and mother be if they were living now? A Both about ninety.
- Q Do you know the names of their parents? A Yes.
- Q What was the name of the father of Tah-nap-ha-cubbee? A I don't know that.
- Q What was the name of his mother? A I don't know.
- Q What was the name of the father of Ish-te-ma-che? A I don't know.
- Q Or her mother? A I don't know.
- Q All of your wife's ancestors were full blood Choctaws, were they? A Yes.
- Q And always lived in Mississippi? A Yes.
- Q Did any of your ancestors or any of your wife's ancestors ever do as this 14th article of the treaty of Dancing Rabbit Creek required a Choctaw to do who wanted to stay here in Mississippi and take land here under that article in place of moving out west to the new Nation? A I don't know.
- Q Did any of your ancestors or any of your wife's ancestors get any land here in Mississippi from the Government of the United States long time ago under this 14th article of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Didn't you ever hear that some of your people got some land here a long time ago? A I don't know.
- Q Do you know whether any of them within six ~~months~~ months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land under that 14th article? A I don't know about that.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Yes.
- Q Who of them moved out there then? A Ish-ton-ok-we-ah.
- Q How long did he stay out there? A Never did come back-died out there.
- Q When was it he went out there? A About forty-five years ago.
- Q Was that the first time he went out there? A Yes.
- Q Did any of the rest of your ancestors or any of your wife's ancestors move out there? 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 and become citizens of the States and take land under that article. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know

John Willis--4

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 this 14th article of the treaty of Dancing Rabbit Creek/This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of this 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were 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 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 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 Never saw or heard of any such scrip.

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 Never did.

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 with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder or whether any of them ever appeared before any of these Commissioners about whom I have told you and ever got any scrip from the Government?
A No.

Q You have no witnesses here today, have you? A No, I haven't here today, but Adam Brokesoulder might know something about it.

Q How far does Adam live from here? A Little over a mile from here.

John Willis--5

Q Do you think you could get him to come in here and tell what he knows? A I think I can.

If you can bring Adam in here today or tomorrow we will be glad to take his testimony and in case you should find any other witnesses whose testimony you want to have taken before the Commission in support of your application, you may cause them to appear before us at Meridian between the 14th and 30th of this month within a reasonable time at the general office in Muskogee, Indian Territory, and their testimony will be taken.

Q Did your wife's father, Tah-~~nap~~-ha-cubbee, have any brothers or sisters? A I don't know.

Q Didn't you ever hear that he had any brothers or sisters? A No.

Q Did you ever hear of his having a brother by the name of Te-mah-tam-bee? A Never did.

Q Did you ever hear of his having a sister by the name of I-lap-im-ha. A No.

Q Would you know the name of Tah-~~nap~~-ha-cubbee's father if you were to hear it? A No, I don't think I would.

Q You never did hear it, did you? A No.

Q Did your mother ever have any brothers? A Yes.

Q What are the names of some of them? A Ah-le-mo-tubbee.

Q Next one? A ~~E-ah~~ E-ah-ho-nubbe.

Q Next one? A I-yok-e-tubbe.

Q Next one? A Ho-ne-tam-be.

Q Did she ever have any other brothers? A That's all her brothers; she had sisters.

Q How many sister? A Just one.

Q What was her name? A Ho-to-nah.

Q Which was the oldest, Ho-to-nah or your mother? A My mother was the oldest.

Q Was I-yok-e-tubbe or Ho-to-nah the oldest? A I-yok-e-tubbe.

Q Which was the older, now, Ho-to-nah or Ho-~~ne~~-tambe? A Ho-te-nah was the older.

On Page 535 of Volume One of the Record of the Court of Claims in case No12742, entitled the Choctaw Nation of Indians vs the United States, fully adjudicated by Commissioners Tyler, Gaines and Rush, appointed under the act of Congress approved August 23, 1842, appears the case of Ish-ton-ok-we-ah, being No33, it appearing that at the time the treaty of Dancing Rabbit Creek was made he lived on Section 2, Township 8, Range 13, and had at that time two children, Cun-e-o-te-nah and E-ah-ho-nubbe living, over ten years of age and three children-namely, I-yok-e-tubbe, Ho-to-nah and Ho-ne-tam-be, living under ten years of age; that the claim of Ish-ton-ok-we-ah was passed upon favorably by said Commissioners Tyler, Gaines and Rush and the decision of said Commissioners was on the 23rd day of July, 1845, affirmed by the Secretary of War.

John Willis--6

Q Did you ever have any brothers or sisters older than you? A No, I just had one sister and she was younger than me.

On Page 69 of Volume One of the record of the Court of Claims in case No12742, entitled the Choctaw Nation of Indians vs the United States, in a list of cases adjudicated by Commissioners Tyler, Gaines and Rush appointed under the act of Congress approved August 23, 1842, appears the case of ~~Mawwax~~ Me-shone-tah-tubbe, it appearing that at the time the treaty was made he lived on Section 13, Township 10, Range 13.

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

Q What are the names of your children who are living? A Wallace Willis, he's the oldest.

Q Next one? A Riley Willis.

Q Next one? A Charlie Willis.

Q Next one? A Jennie Wilson, the wife of Willie Wilson.

Q I believe you have testified that you never had any brothers and only had one sister, is that correct? A Yes.

Q Is that sister living? A Dead.

Q What was her name? A Susan, the wife of John Bull.

Q She was your full sister, was she? A Yes.

Q Did Susan leave any children? A Yes.

Q How many? A Five boys and two girls.

Q What are the names of the boys? A Asa Elmon Bull, George Bull, Huston Bull, Pink Bull, Bob Bull.

Q Is that all of them? A Yes.

Q What are the names of the girls? A Lea Bull, the wife of John Vaughn now.

Q Next one? A Sealy.

Q Is she married? A Yes.

Q What's her husband's name? A Tom H. Marris, son of Dibbin Marris.

Q Has Susan any children dead? A Yes, two dead.

Q Did they die in infancy? A Yes--one of them was grown.

Q Did she leave any children? A No.

Q Are any of your wife's brothers living? A There was some but they are all dead.

Q Did any of them leave children? A No.

Q Did your wife ever have any sisters? A Yes, but none of them are living.

Q Did any of your wife's sisters leave children? A There was two children but they both died.

Q How old were they when they died? A Died before they grewed up.

The 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. It is evident from his testimony that his mother's father complied

John Willis--7

with the provisions of the 14th article of the treaty of
Dancing Rabbit Creek and received benefits thereunder.

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 Toles, Mississippi, April 8th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 15th day of April, 1902,
at Meridian, Mississippi.


Clerk US Circuit Court, Southern
District of Mississippi.

By



Deputy.

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 28, 1902.

Additional testimony in the matter of the application of
John Willis, M. C. R.-5198.

Adam Prokeshoulder, 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 Adam Brokeshoulder
Q How old are you, Adam? A Seventy two.
Q What's your post office address? A Toles, Mississippi, Kemper
County.
Q Do you live in Kemper County? A Lived there all my life.
Q You are a full blood Choctaw, are you? A Yes, sir.
Q Are you acquainted with a Choctaw by the name of John Willis?
A Yes, sir.
Q How long have you known him? A All my life.
Q Is he older or younger than you? A Younger. I don't know how
much, but he is younger than me; I was bigger boy.
Q Where did John live? A He lived in Kemper County.
Q How far do you live from him? A Live about a mile apart, or
little more.
Q Has he lived in Kemper all his life? A Well, when little fellow
used to live in Neshoba, but before he got grown he move to Kemper
and stay. When the Commission was in session at Yazoo Village,
he move to Kemper County.
Q How far do you live from old Yazoo Village? A Six miles.
Q Well, is John Willis a full blood Choctaw? A Yes, sir.
Q Is his wife living? A No, she's dead.
Q What was her name? A Choctaw name B-lah-po-nah. English name,
Sookey.
Q Was she a full blood? A Yes, sir.
Q Was she older or younger than John? A I don't know, about pretty
much same age; I think John the oldest.
Q Was you acquainted with John's father? A Yes, sir.
Q What was his name? A Me-shone-tah-tubbee.
Q Did Me-shone-tah-tubbee have any children older than John, or
was this his oldest child? A This was his oldest child.
Q Where did Me-shone-tah-tubbee live when you first became acquaint-
ed with him? A He live Bogue Chitto, marry a Neshoba girl and
stay there and move to Kemper after a little while.
Q He lived on Bogue Chitto Creek in Neshoba or Kemper County?
A He lived in Kemper at the time Commission was at old Yazoo
Village.
Q Well, now Adam, what I want to know is, where did he live when you
first became acquainted with him? A I think it was in Neshoba.
Q How old were you when you first got acquainted with him? A When I
first got acquainted with him, I was about eight years old.
Q He was a full blood, was he? A Yes, sir.
Q Do you know the names of his father and mother? A I don't know;
never did hear their names.

John Willis, 2.

- Q How old a man was he when you got acquainted with him? A He was a grown man, twenty some odd years old.
- Q Were you acquainted with the mother of this applicant, John Willis? A Yes.
- Q What was her name? A I don't know, but she was raised in Mesho-ba and married this man and moved to Kemper?
- Q Do you know the name of her father, or her mother? A Know her father.
- Q What was his name? A Stru-o-wa-yah.
- Q You don't remember John Willis's mother's mother's name? A I don't know.
- Q Do you know the name of John Willis' wife's father? A Yes.
- Q What was his name? A Ha-cubbee.
- Q Did this man, Ha-cubbee, have any other children besides John's wife? A Yes, sir.
- Q What were their names? A In-to-nah.
- Q Next? A Stan-ho-tah.
- Q Next one? A That's all I can remember.
- Q What was the name of John Willis' wife's mother? A Sti-min-chi.
- Q Did this woman have any other children by anyone else besides John's wife's father, Ha-cubbee? A One of them was my wife. There was another one, Me-shone-tubbe, and B-mam-bee.
- Q Was this child, Me-shone-tubbe, older or younger than you? A Older than me.
- Q Did she ever have any other children? A I think I told all except wife's name.
- Q What was her name? A Ish-sti-ma-hah.
- Q Was she older than you, or younger than you? A I think she was a little older than me.
- Q Were you at Old Yazoo Village in the forties, when the commissioners were there hearing cases? A Yes.
- Q Did you ever see any of John Willis' people there? A Yes.
- Q Who? A Me-shone-tah-tubbee.
- Q Did his father, Me-shone-tah-tubbee, appear before the commissioners and try to establish his rights to land? A Yes.
- Q Did you see him so before the Commissioners? A Yes.
- Q Did he have any children living when the treaty of Dancing Rabbit Creek was made, in 1830? A I don't know about that.
- Q Do you know whether John's father ever got any land or scrip from the Government? A I think he got scrip.
- Q Did you ever see that scrip? A I have seen the scrip. He went to the Territory and come back, and I never seen that scrip any more.
- Q You saw the scrip that Me-shone-tah-tubbee got? A Yes, sir.
- Q When did he go out to the Territory? A About fifty years ago.
- Q How long did he stay out there? A I don't know whether I can remember, but I think they stayed there about a month.
- Q He left here with the scrip, and when he come back he didn't have it? A Yes, let here with scrip and come back, and some of them brought back some money; that's way they got rid of the scrip.
- Q Did you see any of John Willis' wife's people there at Old Yazoo Village before these commissioners? A Yes.
- Q Who? A In-to-nah. That's all I seen there.
- Q What relation was In-to-nah to John's wife? A Sister.
- Q Was that sister older or younger than you? A Older than I am.
- Q How much older do you think? A About twenty years.
- Q Did she appear before the Commissioners? A Yes, sir.
- Q Was she married then? A She married, but her husband was dead then.

John Willis, 3.

- Q Did she have any children at that time? A Didn't have any children living.
- Q Did she have any children living when the treaty was made, fourteen or fifteen years before the commissioners were there?
- A Don't think she was married then.
- Q Do you know whether she ever got any land or scrip from the Government? A Don't think she got any land, but think she got some scrip.
- Q Did you ever see that scrip that you think she got? A Yes.
- Q Whatever became of it? A She went to the Territory to get money for it.
- Q Do you know whether any of John Willis' wife's ancestors ever got any scrip or land from the Government? A I heard that she didn't, because one of them was my wife, and she didn't get any land.
- Q Are you interested in any way in the result of the application of this man, John Willis? A No, have no interest in it at all; he just ask me to come and testify for him.

(The witness is a full blood Choctaw, and bears the reputation of being perfectly reliable and truthful.)

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 Verdian, Mississippi, on the 28th day of April 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 Muskogee, Indian Territory, this 15th day of May, 1902.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Coal

--- o ---

In the matter of the application of John Willis (Il-le-ah-tubbee) for identification as a Mississippi Choctaw, M.C.R. 5199

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 April 8, 1902 by John Willis (Indian name Il-le-ah-tubbee) for himself under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

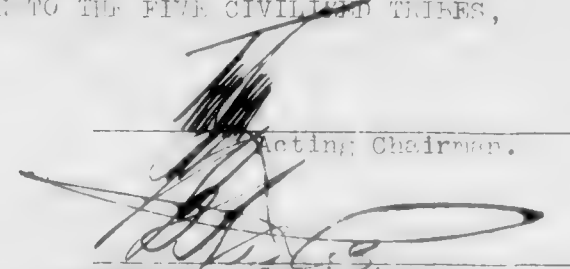
From the evidence submitted in support of said application it appears that the applicant is a full blood Mississippi Choctaw Indian.

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., 541) 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 Willie (Il-le-an-tubbee) should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

DOF

M.C.R. 5198.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

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

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

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

Respectfully,

James Dixey

Registered.

Enc. W.C.B. 29.

Acting Chairman.

COPY.

M.C.R. 5198

Muskogee, Indian Territory, March 11, 1903.

John Willis (Il-le-ah-tubbee),
Toles, 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,

Samuel D. King

Chairman.

Registered.

Enc. 5198.

M C R 5198

Muskogee, Indian Territory, December 8, 1903.

John Willis, (Il-le-ah-tubbee)

Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultimo, in which you ask when you can take your allotment.

In reply you are informed that you may appear before the Choctaw or Chickasaw Land Office at any time and make selection of allotment. However, such offices will not receive applications for allotment from December 24, 1903, until January 2, 1904.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.
Meridian Miss.

Address & Date

Name John Leakes

Age

Blood

Post-Office.

Father.

Mother

Claims through

Walter ... of
John ...
taken at Meridian
Mississippi

Children.

Stenographer

R. S. Street

#1904

No. 5138

For Identification as a Mississippi Choctaw.

Tales, Miss. Date

APR 8 - 1902

Name John White
Se-ee-ah-lubbe

Age 50 Blood

Post Office, Tales, Miss.

Father: de Shune-ton lubbe d

Mother: Cun-~~ne~~ e-o-le-mah d

Claims through

wife Jockey White (furn) d
Di-ee-ah-pa-mah

Father Tah nap fia-cubbe d
mother tah lo ma-che d

Children:

Mother's father Tah-~~lon~~ OK Mah d

Enographer J. S. White

Choctaw MCR 5199

Mollie Hacubbee

MCR 5199

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----O-----

In the matter of the application of Mollie Ha-cubbee
for identification as a Mississippi Choctaw, M.C.R. 5199.

-----O-----

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mollie Ha-cubbee
for identification as a Mississippi Choctaw, M.C.R. 5199.

: I N D E X :--

	(Page)
Original application of Mollie Ha-cubbee before the Dawes Commission for identification as a Mississippi Choctaw.....	1
Decision of the Commission identifying above applicant....	7

5199

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Toles, Mississippi, April 8th, 1902.

In the matter of the application of Mollie Ha-cubbee for identification as a Mississippi Choctaw.

Said Mollie Ha-cubbee, being first duly sworn, testified as follows:

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Mollie Ha-cubbee.
- Q How old are you? A About sixty.
- Q How much Choctaw blood have you? A Full blood.
- Q What's your postoffice address? A Rio.
- Q Do you live in Kemper County? A Yes.
- Q How long have you lived in Kemper? A I lived here but moved to Neshoba and back again.
- Q How long did you live in Neshoba? A About twelve years.
- Q Have you lived in Kemper and Neshoba Counties all your life? A Yes.
- Q Have you a Choctaw name? A No.
- Q Is your father living? A Dead a long time.
- Q What was his name? A Ha-cubbee.
- Q Is your mother living? A Dead long time.
- Q What was her name? A Ha-thla-to-nah.
- Q Did your father and mother always live in Mississippi? A Yes.
- Q Were they both full blood Choctaws? A Yes.
- Q Do you know the names of your father's father and mother? A No.
- Q Do you know the names of your mother's father and mother? A I don't know.
- Q Have all of your ancestors been full blood Choctaws? A Yes.
- Q Have they always lived in Mississippi? A Yes.
- Q Are you married? A Yes-I was married-my husband is dead.
- Q Were you ever married more than once? A No, just once.
- Q What was your husband's name? A Scott Sho-tubbee.
- Q Was he a full blood Choctaw? 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 reckon he was about three years older than I am.
- Q Is his father living? A No.
- Q What was his name? A Sho-tubbee.
- Q Is that all the name he had? A Yes.
- Q Was he a full blood Choctaw? A Yes.
- Q Live in Mississippi all his life? A Yes.
- Q Is your husband's mother living? A No, all dead.
- Q What was her name? A I don't know her name.
- Q Don't you know her English name or her Choctaw name either? A No.
- Q Do you know the name of any one of your husband's grandparents? A No, I don't know any of them.
- Q Have all of your husband's ancestors been full blood Choctaws? A Yes.
- Q Always lived in Mississippi? A Yes.

Mollie Ha-cubbee--2

- Q How many children have you living? A Five.
Q Are any of them under age? A All of age.
Q Has anyone else living with you? A Yes, I live with one of my married daughters, the wife of William McDonald--my son Chubby Scott also lives with me but he's of age.
✓ Q This application, then, is for yourself only? A Yes.
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A Yes.
Q Did you ever make an effort to have your name put on the rolls out there? A No.
Q What makes you think your name is on the Choctaw Indian rolls out there then? A I was mistaken.
Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A Yes, at Philadelphia three years ago.

The records of the Commission show that on the 30th day of January, 1899, this applicant appeared before the Commission at Philadelphia, Mississippi, and made application for her identification as a Mississippi Choctaw, her name appearing upon Mississippi Choctaw card Field No 141, also upon page 53 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 495 thereon.

- Q At the time you made this application three years ago were you living in the vicinity of Tucker, in Neshoba County, Mississippi?
A Yes.
Q Is that application you made three years ago the only application of any kind that has ever been made for you? A Yes.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the 14th article of the treaty of Dancing Rabbit Creek? A Yes.
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No.

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 was known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay

Mollie Ha-cubbee--3

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 signifyig his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like maner shall be 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 might be under ten years of age, to adain the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratific^a-ation of this t reaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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 husband'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 of Dancing Rabbit Creek 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 ratified let the Agent of the government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A If they did I don't know.

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 Choctaws who did in fact let him know that they wanted to stay here 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.

Mollie Ha-cubbee--4

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 and they came down here between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors 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 If any of them ever appeared before any of the Commissioners 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 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 husband's ancestors ever receive any scrip from the Government of the United States under this act of Congress? 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 husband's ancestors covering land here in Mississippi received from the Government of the United States? A No, I 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 husband'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.
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? 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 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.

Mollie Ha-cubbee--5

Q Are you a full sister of Amie Ha-cubbee who lives near Toles, Mississippi and who appeared here this morning? A Yes.
Q Did you ever have any brothers or sisters older than Amie? A Yes.
Q What were their names? A Susa.
Q Next one? A Bah-be-tubbe.
Q Next one? A Becky.
Q Did she have a Choctaw name? A That's her Choctaw name.
Q What was Amie's Choctaw name? A No Choctaw name.
Q Did you ever have a sister by the name of Ish-te-la-mah? A I don't remember.

Reference is hereby made to the testimony of Amie Ha-cubbee given before the Commission at this place on this date. She's a full sister of this applicant.

Q Did your husband's father, Sho-tubbee, have any brothers or sisters? A Yes, all dead.
Q What are the names of some of them? A I don't know any of them.
Q Don't you know the name of Sho-tubbee's father or mother? A No, I don't know.
Q You are sure that none of his people ever got any land from the Government or scrip? A I just heard they all gone to the Territory and died out there--his old folks.

From the testimony of this applicant it is impossible to determine whether of the ancestors of her husband ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek. The records in the possession contain the names of several Indians by the name of Sho-tubbee who received benefits under that article.

Q What are the names of your children who are living? A Emma.
Q Is she married? A Yes.
Q What's her husband's name? A William McDonald.
Q What's the name of your next daughter? A Lillie.
Q What's her husband's name? A Chatman Thompson.
Q What's the name of the next daughter? A Susan.
Q What's her husband's name? A Lee McDonald.
Q Next one? A Marshall Scott.
Q Have you another boy? A Yes, one more, Chubby Scott.
Q Has your husband any brothers or sisters living? A No.
Q Did any of his brothers or sisters leave children? A No.
Q Have you any brothers living, yourself? A One.
Q What's his name? A Hocha--his Choctaw name; his English name is John Johnson.

The 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

Mollie Ha-cubbee--6

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 Toles, Mississippi, April 8th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles
Subscribed and sworn to before me this the 15th day of April, 1902,
at Meridian, 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.

-----0-----

In the matter of the application of Mollie Ha-cubbee
for identification as a Mississippi Choctaw, M.C.R. 5199.

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 Commis-
sion on April 3, 1902 by Mollie Ha-cubbee for herself under the
following provision of the act of Congress approved June 27, 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 con-
cluded 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."

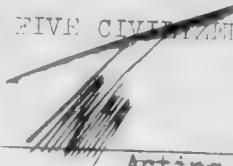
From the evidence submitted in support of said applica-
tion it appears that the applicant is a full blood Mississippi
Choctaw Indian.

Section forty-one of the act of Congress entitled "An
act to ratify and confirm an agreement with the Choctaw and Chick-
asaw 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 Mollie Pa-cubbee should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Acting Chairman.

Commissioner.

C. R. Mc...
Commissioner.

Muskogee, Indian Territory,

APR 11 1903

COPY.

M.C.R. 5199

Muskegee, 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 Mollie Macubbee 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 Mollie Macubbee 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 names of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED) *Tamo Dixby.*

Chairman.

Registered.
M C R 5199

COPY

M.C.R. 5199

Muskogee, Indian Territory, April 27, 1903.

Mollie Hacubbee,
Rio, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 11, 1903, identifying you as a Mississippi Choctaw Indian 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,
(S. INEL)

Tamo I...
Chairman.

Registered.

Enc. 5199.

#1096

No. 5199

For Identification as a Mississippi Ch

Date

Name *Marie K. ...*

Age *60* Blood *Free*

Post Office *...*

Father *...* d

Mother *...* d

Claims through

<i>...</i>	<i>...</i>	<i>...</i>	<i>...</i>	d
<i>...</i>	<i>...</i>	<i>...</i>	<i>...</i>	d
<i>...</i>	<i>...</i>	<i>...</i>	<i>...</i>	d

Children

Stenographer

Choctaw MCR 5200

William J. Allen

See MCR 5203, 6161, 6159
6160, 6147, 6333, 6325

MCR 5200

DEPARTMENT OF THE INTERIOR
 COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

In the matter of the application of William J. Allen, et al., for identification as Mississippi Choctaws, consolidat-
 ing the applications of:

William J. Allen, et al.,	M.C.R. 5200
John W. Allen, et al.,	M.C.R. 5203
Delia A. Richardson, et al.,	M.C.R. 6161
Henry T. Allen, et al.,	M.C.R. 6159
Robert L. Allen,	M.C.R. 6160
Andrew S. Allen, et al.,	M.C.R. 6147
Andrew G. Allen, et al.,	M.C.R. 6333
Charles E. Allen,	M.C.R. 6325.

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of William J. Allen, et al.

	(Page)
Original application of William T. Allen, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Affidavit of Martha M. Choate.....	8
Affidavit of Jane Howard.....	9
Original application of John W. Allen, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	10
Certified copy of the marriage record of J. W. Allen and Cordelia Bell Young.....	15
Original application of Delia A. Richardson, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	16
Original application of Henry T. Allen, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	21

Certified copy of marriage record of H. T. Allen and Drue Manire.....	27
Original application of Robert L. Allen, before the Dawes Commission for identification as a Mississippi Choctaw.....	28
Original application of Andrew S. Allen, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	34
Certified copy of marriage record of S. A. Allen and Docia Sanders.....	40
Original application of Andrew G. Allen, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	41
Original application of Charles E. Allen, before the Dawes Commission for identification as a Mississippi Choctaw.....	47
Decision of the Commission refusing the applications in the consolidated case of William J. Allen, et al., applicants for identification as Mississippi Choctaws...	51

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 15, 1902.

5200

In the matter of the application of William J. Allen for the identification of himself and his three minor children, David O., Ida Cordelia and Perry A. Allen, as Mississippi Choctaws.

Francis A. Pierce, att'y for applicants; no appearance

William J. Allen being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William J. Allen.
Q What is your age? A Fifty three.
Q What is your post office address? A Orr, Indian Territory.
Q How long have you lived at Orr? A I have lived there- it has been my post office for off and on past two years.
Q Where did you live before that? A Near Willis Indian Territory.
Q How long have you lived in the Indian Territory? A Four years.
Q Where did you live before that? A Texas.
Q Where were you born? A Texas.
Q Have you always lived in Texas till you came to the Territory?
A Yes sir.
Q Is your father living? A No sir. Not that I know of.
Q Is your mother? A No sir.
Q What was your father's name? A Jonathan C. Allen.
Q What was your mother's name? A Was Martha Jane Gentry before she was married; Allen now.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A Well, I guess about 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 I can't answer that question only in this way; its always been my impression that he was.

- Q I mean has your father been living in this Choctaw nation in the Indian Territory and recognized as an Indian with all the privileges of an Indian? A That has been my understanding.
- Q Was he on the '96 census roll? A I don't know; he is about 90 years old.
- Q You don't know about that? A No sir.
- Q Do you know when and where your father and mother were married? A In Texas.
- Q What place? A I can't tell you.
- Q What time? A In 1846.
- Q What day of the month? A I can't tell.
- Q Can you introduce evidence proving their marriage later, if given time? A I guess so.

Reasonable time will be allowed for that purpose.

- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q Is she an Indian or white woman? A Not Indian; we don't claim for her.
- Q What is her name? A Martha Allen.
- Q You make no claim for her, do you? A No sir.
- Q How many minor children, have you? A Three.
- Q Unmarried? A Yes sir.
- Q What is the name of the oldest? A David O. Allen.
- Q How old is he? A Eighteen.
- Q The next? A Delia; her name is Ida Cordelia.
- Q How old is she? A She is sixteen.
- Q Now give the name of the next; give its real name and not what you call him. A Perry A. Allen.
- Q Boy? A Yes sir.
- Q The other one is a girl? A Yes sir.
- Q How old is Perry? A He is thirteen.
- Q Is that all? A Yes sir.
- Q Is Martha Allen the mother of these children? A Yes sir.
- Q Were either of you married before? A I was.
- Q Have you any children by your first marriage? A No sir.
- Q Are you living now with your wife and are these children living with you both? A Yes sir.
- Q When were you married to your wife, Martha? A In 1872
- Q What day of the month? A The 18th of August.
- Q By a minister and under a license? A Yes sir.
- Q At what place? A Near Kosse in Limestone County, Texas.
- Q Have you proof of that marriage with you? A No sir.
- Q Can you introduce it later? A Yes sir.

Reasonable time will be allowed for that purpose.

- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation with your children or 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 Did you ever make application to the Choctaw tribal authorities for yourself and children to be admitted as citizens of the Choctaw Nation? 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 Do you now come before the Commission to be identified as a Mississippi Choctaw making the application for yourself and children and claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand article fourteen 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 in Mississippi called Dancing Rabbit Creek on the 27th day of September that year; the object of that treaty was to remove 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 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 remain back there East of the River, article fourteen was put into the treaty; that article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand the provisions of that article? A I don't hardly know.

Q Did you ever hear of it before? A Yes sir.

Q What is there about it you don't know? A That has been a good while back; I don't know; my father never had the raising of me and I don't know much about it.

Q Do you know anything about that article of that treaty? A Nothing more than what I have heard and talked over and I can't say that I remember much about it.

Q Have you ever heard anybody explain that to you? A I have.

Q Whom have you heard explain it to you? A Homes Willis, a man lives down here.

- Q Who is an Indian, is he? A Yes sir.
- Q Where does he live? A Part of the time in Sherman.
- Q How long have you lived there where you live now, in Ardmore?
A About two years.
- Q How often have you heard Homes Willis talk about it? A I can't say for certain; once or twice or may be more, and his brother has talked about it and tried to explain it to me.
- Q How many of your Choctaw ancestors complied or attempted to comply if any, with the provisions of article fourteen of the treaty of 1830? A Never was any at all that I know.
- Q What was the name of your ancestor who lived in Mississippi in 1830? A I can't tell you.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A I don't know as I could tell that.
- Q Don't you know any farther back than your own father? A No sir, nothing at all.
- Q Don't know anything about his father or mother or grandfather or grandmother? A No sir.
- Q What was your father's name? A Jonathan C. Allen.
- Q How old would your father be if living now? A He would be around ninety years old.
- Q Where was he born? A My understanding is he was born in Mississippi.
- Q Where did you get that understanding? A By what I have been taught in raising by my mother's people; my father and mother parted when I was a kid and my mother went back to her father and mother and they had the raising of me.
- Q Where was your father Jonathan C. Allen born? A I can't tell you what part of Mississippi, but I understand it was in Mississippi.
- Q He would, if ninety years old now, and he were living 72 years ago, he would be 18 years old then, wouldn't he? A The last time I seen him was in 1863 and he said that he was fifty two years old then.
- Q Was he living in Mississippi in 1830? A I don't know.
- Q You ought to know; he was you say over ninety years old-- A I don't know.
- Q Was he living in Mississippi all the time? A That's my remembrance that's my understanding.
- Q Was he married and head of a family in Mississippi or Alabama in the old Choctaw Nation in 1830? A No sir; not that I know of.
- Q Can you give the names of any Choctaw ancestors of yours who lived in the old Choctaw nation in Mississippi or Alabama and had a family there then? A No sir.
- Q Where was John C. Allen born? A In Mississippi I guess.
- Q Where did he live from that time on? A Well, he lived in the Territory here a while.
- Q When? A He must have come out here about the first settlement of this country. My father and mother told me and my grandfather talked to me.
- Q When was it they told you he came? A They told me he came out here about the first settlement of the Territory.
- Q When was that? A I can't tell you.
- Q Did he come out here at the expense of the Government? A I can't tell you.
- Q Did he come out here from the old Choctaw nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory, between 1833 to 1838? A That's what I have been told.

- Q At the expense of the Government? A I can't say about that.
- Q Where did he settle when he came out? A I can't answer that.
- Q Where did he die? A I have no plain evidence where he died; I have been told that he died about 26 years ago down in Wilum County; that is supposed.
- Q Where is that? A Texas.
- Q How old was he when he died? A Must have been about along sixty something.
- Q Said he died in '70? A Well, the last I knowed anything about him was in 1865; then the next I heard anything about him was in '74 or '75, and he had been dead then they said four or five years I heard.
- Q How old was he when he died as you say about 1870? A I don't know; somewhere along about seventy. I am no account on figures- I cant figure nothing only in my head.
- Q If he died in 1870 and would be about ninety years old now, he would be sixty years old in 1870 and that would make him about 92 years old now. Is that right? A Well, somewheres along there I don't know exactly.
- Q Do you know anybody of Ryan, Indian Territory? A Yes sir.
- Q Are you acquainted there? A A little.
- Q Live near there? A About twenty five miles of Ryan.
- Q Whom do you know there who would know anything about your Choctaw ancestry? A I don't know that there is anybody.
- Q You lived once in the Southern part of Texas? A I have been raised there.
- Q Aren't there a good many Mexicans living there? A Yes, the Custer Mexican.
- Q When was it you first got the idea that you were descended from Mississippi Choctaw ancestry? A It has been a good while; I was taught by my people when I was a kid; in any little fracas I would get into they would call me that and throw that up to me; they often called me Choctaw and I had that thrown up to me as an insult.
- Q Where was your father born? A In Mississippi.
- 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 You don't know whether your father John C. Allen had a family of children living with him in Mississippi in 1830? A I don't know.
- Q Do you know whether he claimed through his father or mother? A No sir.
- Q Can you give his father's or mother's name? A No sir.
- Q It will be necessary for you to show that you are descended from a Mississippi Choctaw Indian who lived in Mississippi in 1830 and who was the head of a family at that time. You cannot do that now? 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, 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 your Choctaw ancestors go from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838 or 1840? A I don't know that.
- Q Did any of your Choctaw ancestors claim or own any land in Miss-

issippi or Alabama in the old Choctaw Nation in 1830-- A I don't know sir.

Q Under article fourteen of the treaty of 1830? A I don't know sir.

The Choctaw Indians who lived in the Choctaw Nation in Mississippi or Alabama refusing to go to the Indian Territory were required if they wanted to take advantage of that article, to go to the United States Indian agent 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 and his neglect 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 both their lands and their improvements; both were taken from them by the Government and sold at its Public Land Sale. This caused so many complaints 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 the treaty of 1830; in 1842 another Commission was appointed by Congress for the same purpose and this Commission also went to Mississippi and heard claimants under that article of that treaty. Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A Not that I know of.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article four teen of the treaty of Dancing Rabbit Creek, if it further appeared that he had formerly had land in Mississippi 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; this certificate was called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A Not that I ever heard of.

Q Have you any relatives who have appeared before the Commission to be identified as Mississippi Choctaws? A None that I know of.

Q Is there any other evidence that you wish to introduce at this time in support of this claim-- , or any proof that you want to submit?

A No sir, I don't know.

Q Can you speak the Choctaw language? A No sir; my father could.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown eyes, ruddy complexion, brown hair- whiskers partly brown and partly gray, and mustache rather light brown. He does not understand the Choctaw language and has no knowledge of the compliance on the part of any of his ancestors with the provisions of article four teen 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 15, 1902,

and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry S. Haines.

Subscribed and sworn to before me this 22 day of April, 1902.

Clara Mitchell Wood

Notary Public.

all
over

00

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

In the matter of the application of William J. Allen, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of--

William J. Allen, et al.,	M.C.R.5200
John W. Allen, et al.,	M.C.R.5203
Delia A. Richardson, et al.,	M.C.R.6161
Henry T. Allen, et al.,	M.C.R.6159
Robert L. Allen,	M.C.R.6160
Andrew S. Allen, et al.,	M.C.R.6147
Andrew G. Allen, et al.,	M.C.R.6333
Charles E. Allen,	M.C.R.6325

--: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 William J. Allen, for himself and his three minor children,
David C., Ida Cordelia and Perry A. Allen; by John W. Allen for
himself and his five minor children, Myrtle B., William B., Lizzie,
Lutitia and John Martin Allen; by Delia A. Richardson for herself
and her five minor children, Florence Virginia, William Joseph,
John D., Bessie Lee and George Franklin Richardson; by Henry T.

Allen for himself and his two minor children, Lucy and Arri Allen; by Robert L. Allen for himself; by Andrew S. Allen for himself and his minor child, Bertha Lee Allen; by Andrew G. Allen for himself and his nine minor children, Ada May, Essie Mildred, Joseph Franklin, Millie Ida, Effie Nora, Anna Clara, Andrew Marcus, Jackson Dewey and Luther Delma Allen; and by Charles E. Allen for himself, under the following provision of the act of Congress approved June 28, 1898, (30 Sta's., 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 Jonathan C. (or Jonathan Cochran, or Jonathan Cookran, or John C.) Allen, who is alleged to have been an one-fourth blood Choctaw Indian, and to have sometimes gone by the name of "Choctaw Louis."

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 Jonathan C. (or Jonathan Cochran, or Jonathan Cockran, or John C.) Allen, or Choctaw Louis, 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 3, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William J. Allen, David O. Allen, Ida Cordelia Allen, Perry A. Allen, John W. Allen, Myrtle B. Allen, William B. Allen, Lizzie Allen, Luititia Allen, John Martin Allen, Delia A. Richardson, Florence Virginia Richardson, William Joseph Richardson, John D. Richardson, Bessie Lee Richardson, George Franklin Richardson, Henry T. Allen, Lucy Allen, Arri Allen, Robert L. Allen, Andrew S. Allen, Bertha Lee Allen, Andrew G. Allen, Ada May Allen, Essie Mildred Allen, Joseph Franklin Allen, Lillie Ida Allen, Effie Nora Allen, Anna Clara Allen, Andrew Marcus Allen, Jackson Dewey

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

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED:

James Bixby.

Acting Chairman.

SIGNED:

T. E. Nease.

Commissioner.

S. D.

U. H. Dreaming.

Commissioner.

Muskogee, Indian Territory.

1899 21 1900

Southern District, Indian Territory.

Know all men by these presents We, W. J. Allen, and H. T. Allen, have this day appointed, and by these presents do hereby constitute and appoint Richard Lefay our true and lawful agent, to represent and assist us in procuring testimony and all other lawful acts in securing our identification as Mississippi Choctaws.

We hereby agree to ratify all of his acts in the furtherance of the intention of his said appointment, and procure said identification.

Given under our hands and seals this the 4th day of November 1902.

W. J. Allen
Henry T. Allen

INDIAN TERRITORY,

SOUTHERN DISTRICT.

On this the 4 day of Nov., 1902, before me, the

undersigned, a Notary Public in and for the Southern District, Indian Territory, appeared in person W. J. Allen and

Henry T. Allen
to me personally well known to be the persons whose names appear upon the within and foregoing instrument, and acknowledged that they had executed the same on the day and year therein mentioned for the consideration and purposes therein mentioned and set forth, and I do so certify.

In testimony whereof I hereunto set my hand and seal of office as such Notary Public the day and year above written.

E. M. Jones
Notary Public, Southern District, Indian Ter.

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

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING.

Muskogee, Indian Territory, April 17, 1902.

H. C. Holiby,
Orr, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, advising the Commission that J. W. Allen and W. J. Allen who anticipate making application to this Commission for identification as Mississippi Choctaws, rely upon testimony absolutely false and which has been manufactured by them and that they have no knowledge whatever of their ancestors and that their claims should be disallowed as fraudulent.

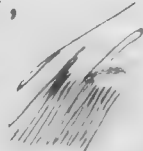
You are advised that on April 15, 1902, at the office of the Commission at Muskogee, Indian Territory, J. W. Allen and W. J. Allen of Orr, Indian Territory, made personal application for the identification of themselves and their minor children as Mississippi Choctaws claiming rights as the descendants of Choctaw Indians who resided in the state of Mississippi and took advantage of the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

The Commission will fully investigate the claims of these applicants and their right to such identification and will render

H C H 2

its decision upon the testimony and such other evidence as may be submitted in support of their claims.

Yours truly,

A handwritten signature in dark ink, appearing to be a stylized name with a prominent initial.

Acting Chairman.

Muskogee, Indian Territory, September 15, 1902.

Henry T. Allen,
Orr, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your petition in which you pray for an extension of time within which to introduce the depositions of certain persons who reside in the state of Mississippi, in support of the claims of the several applicants for identification as Mississippi Choctaws included in the consolidated Mississippi Choctaw case of William J. Allen et al. You give as an additional reason for continuance in this case that there are certain other members of this family who desire to present to this Commission applications for identification as Mississippi Choctaws.

In compliance with your request you are informed that this consolidated case will be continued, generally, until October 15, 1902, for the purpose of allowing you to supply the depositions of the non-resident witnesses who are unable to make personal appearance before the Commission, and that the Commission will receive and consider their depositions when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for iden-

H. T. A.--2

tification as Mississippi Choctaws, a copy of which rules is herewith enclosed you.

The applications for identification as Mississippi Choctaws of the other members of your family will be heard during this time upon the personal appearance of the applicants at the office of the Commission at Muskogee, Indian Territory.

Yours truly,

Acting Chairman.

Miss. Choate - 200

Muskogee, Indian Territory, September 27, 1902.

W. J. Allen,

Aronore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 25, inclosing affidavit of Martha M. Choate relative to your marriage to Martha A. Choate, and letter from the County Clerk stating that the marriage records were burned subsequent to the date of your marriage.

The affidavit of Martha M. Choate has been filed with the records in this case, but before the same can be accepted as conclusive evidence of your marriage it will be necessary that you forward the certificate of the Clerk of the Court to the destruction of the marriage records by fire, and the affidavit of another witness who was present at your marriage.

The letter inclosed by you is returned herewith.

Respectfully,

Acting Chairman.

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

ALLISON L. AYLESWORTH
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Miss. Choctaw 5200.

ALLIES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 19, 1902.

W. J. Allen,
Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 17, inclosing affidavit of Jane Howard to your marriage, in Limestone County, Texas, about August 16, 1872, to M. A. Allen, nee Choate, and the same has been filed with the record in the matter of your application for the identification of yourself and your minor children as Mississippi Choctaws. It will be necessary, however, in case you cannot secure the original or a certified copy of your marriage license and certificate, that you forward to the Commission the certificate of the Clerk of the Court for Limestone County relative to his inability furnish a certified copy of the records, together with the affidavit of another witness who was present at your marriage.

It does not appear from our records that Richard LeMay has been admitted to practice as an agent before the Commission and the power of attorney constituting him your agent is herewith returned.

Respectfully,


Acting Chairman.

AP 3-19

Muskogee, Indian Territory, January 31, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William J. Allen, et al., embracing the following applications for identification as Mississippi Choctaws:

William J. Allen, et al.,	M.C.R. 5200
John W. Allen, et al.,	M.C.R. 5203
Delia A. Richardson, et al.,	M.C.R. 6161
Henry T. Allen, et al.,	M.C.R. 6159
Robert L. Allen,	M.C.R. 6160
Andrew S. Allen, et al.,	M.C.R. 6147
Andrew G. Allen, et al.,	M.C.R. 6333
Charles E. Allen,	M.C.R. 6325.

These applications were made under the provision of the Act of Congress of June 26, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William J. Allen, David O. Allen, Ida Cordelia Allen, Perry A. Allen, John W. Allen, Myrtle B. Allen, William B. Allen, Lizzie Allen, Lutitia Allen, John Martin Allen, Delia A. Richardson, Florence Virginia Richardson, William Joseph Richardson, John D. Richardson, Bessie Lee Richardson, George Franklin Richardson, Henry T. Allen, Lucy Allen, Arri Allen, Robert L. Allen, Andrew S. Allen, Bertha Lee Allen, Andrew G. Allen, Ada May Allen, Bessie Mildred Allen, Joseph Franklin Allen, Lillie Ida Allen, Effie Nora Allen, Anna Clara Allen, Andrew Marcus Allen, Jackson Dewey Allen, Luther Delma Allen and Charles E. Allen as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty,

M., MoM. & C. # 2.

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,

Tamo Pixby.
Acting Chairman.

COPY

Muskogee, Indian Territory, January 31, 1903.

Francis A. Pierce,
 Attorney at Law,
 Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William J. Allen, et al., embracing the following applications for identification as Mississippi Choctaws:

William J. Allen, et al.,	M.C.R. 5200
John W. Allen, et al.,	M.C.R. 5203
Delia A. Richardson, et al.,	M.C.R. 6161
Henry T. Allen, et al.,	M.C.R. 6159
Robert L. Allen,	M.C.R. 6160
Andrew S. Allen, et al.,	M.C.R. 6147
Andrew G. Allen, et al.,	M.C.R. 6333
Charles E. Allen,	M.C.R. 6325.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William J. Allen, David O. Allen, Ida Cordelia Allen, Perry A. Allen, John W. Allen, Myrtle B. Allen, William B. Allen, Lizzie

F. A. P. # 2.

Allen, Lutitia Allen, John Martin Allen, Delia A. Richardson, Florence Virginia Richardson, William Joseph Richardson, John D. Richardson, Bessie Lee Richardson, George Franklin Richardson, Henry T. Allen, Lucy Allen, Arri Allen, Robert L. Allen, Andrew S. Allen, Bertha Lee Allen, Andrew G. Allen, Ada May Allen, Essie Mildred Allen, Joseph Franklin Allen, Lillie Ida Allen, Effie Nora Allen, Anna Clara Allen, Andrew Marcus Allen, Jackson Dewey Allen, Luther Delma Allen and Charles R. Allen as Choctaw Indians entitled 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,

SIC

Tamm I

Acting Chairman.

Registered.

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

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN DEPTH TO THE FOLLOWING

M.C.R. 5200.

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, January 31, 1903.

William J. Allen,
Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William J. Allen, et al., embracing the following applications for identification as Mississippi Choctaws:

William J. Allen, et al.,	M.C.R. 5200
John W. Allen, et al.,	M.C.R. 5203
Delia A. Richardson, et al.,	M.C.R. 6161
Henry T. Allen, et al.,	M.C.R. 6159
Robert L. Allen,	M.C.R. 6160
Andrew S. Allen, et al.,	M.C.R. 6147
Andrew G. Allen, et al.,	M.C.R. 6333
Charles E. Allen,	M.C.R. 6325.

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:

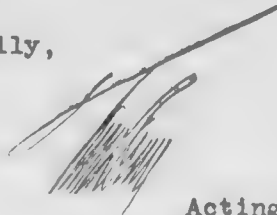
"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William J. Allen, David O. Allen, Ida Cordelia Allen, Perry A. Allen, John W. Allen, Myrtle B. Allen, William B. Allen, Lizzie Allen, Lutitia Allen, John Martin Allen, Delia A. Richardson,

W. J. A. # 2.

Florence Virginia Richardson, William Joseph Richardson, John D. Richardson, Bessie Lee Richardson, George Franklin Richardson, Henry T. Allen, Lucy Allen, Arri Allen, Robert L. Allen, Andrew S. Allen, Bertha Lee Allen, Andrew G. Allen, Ada May Allen, Essie Mildred Allen, Joseph Franklin Allen, Lillie Ida Allen, Effie Nora Allen, Anna Clara Allen, Andrew Marcus Allen, Jackson Dewey Allen, Luther Delma Allen and Charles E. Allen as Choctaw Indians entitled 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,



Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William J. Allen, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 31, 1903.

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

William J. Allen, et al.,	M.C.R. 5200
John W. Allen, et al.,	M.C.R. 5203
Delia A. Richardson, et al.,	M.C.R. 6161
Henry T. Allen, et al.,	H.C.R. 6159
Robert L. Allen,	H.C.R. 6160
Andrew S. Allen, et al.,	M.C.R. 6147
Andrew G. Allen, et al.,	M.C.R. 6333
Charles E. Allen,	M.C.R. 6325.

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

Secretary-----2.

There are also transmitted herewith the marriage license and certificate of G.A. Allen and Miss Annie Davis and that of A.G. Allen and Miss Anna Peirson relating to this case, filed with the Commission subsequent to the rendition of the decision herein.

Respectfully,

(SIGNED)

James B. White

Acting Chairman.

Through the
Commissioner of Indian Affairs.
2 inclosures: M.C.R. 5200.

Copy
Land,
11796-1903.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 7, 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: William J. Allen, for himself and his three minor children, David O., Ida Cordelia and Perry A. Allen; by John W. Allen, for himself and his five minor children, Martie B., William B., Lizzie, Lutitia and John Martin Allen; by Delia A. Richardson, for herself and her five minor children, Florence Virginia, William Joseph, John D., Bessie Lee and George Franklin Richardson; by Henry T. Allen, for himself and his two minor children, Lucy and Arri Allen; by Robert L. Allen, for himself; by Andrew S. Allen, for himself and his minor child, Bertha Lee Allen; by Andrew G. Allen for himself and his nine minor children, Ada May, Essie Mildred, Joseph Franklin, Lillie Ida, Effie Nora, Anna Clara, Andrew Marcus, Jackson Dewey and Luther Delma Allen; and by Charles E.

Allen for himself, wherein a decision adverse to the applicants was rendered by the commission on January 31, 1903.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Jonathan C. (or Jonathan Cochran, or Jonathan Cockran, or John C?) Allen, an alleged one-fourth blood Choctaw, and who sometimes was called "Choctaw Louis". They claim that their ancestor was a Choctaw Indian and a resident 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 name of the ancestor through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records in this office with reference to the name of Jonathan C. (or Jonathan Cochran, or Jonathan Cockran, or John C.) Allen, and it is discovered that his name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

- 3 -

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

Very respectfully,

A. C. Tonner.

Acting Commissioner.

E. B. F.(E.)

DEPARTMENT OF THE INTERIOR

J. W. H.

D.C.17532.

WASHINGTON.

FHE

I. T. D. 3654-1903

June 16, 1903.

L. R. S.

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

Gentlemen:

February 16, 1903, you transmitted the record in the consolidated case embracing the application for identification as Mississippi Choctaws of William J. Allen (M.C.R. 5200), for himself and his three minor children, David O., Ida Cordelia and Perry A. Allen; of John W. Allen for himself and his five minor children, Myrtle B., William B., Lizzie, Lutitia and John Martin Allen; of Delia A. Richardson for herself and her five minor children, Florence Virginia, William Joseph, John D., Bessie Lee and George Franklin Richardson; of Henry T. Allen for himself and his two minor children, Lucy and Arri Allen; of Robert L. Allen for himself; of Andrew S. Allen for himself and his minor child, Bertha Lee Allen; of Andrew G. Allen for himself and his nine minor children, Ada May, Essie Mildred, Joseph Franklin, Lillie Ida, Effie Nora, Anna Clara, Andrew Marcus, Jackson Dewey and Luther Delma Allen; and of Charles E. Allen for himself, including your decision of January 31, 1903, denying

said application.

It appears that the principal applicants in this case, William J. Allen and Andrew G. Allen, through whom the others claim, are the sons of Johnathan C. Allen, who was born in Mississippi in 1811, and who migrated to the Indian Territory within a few years after the treaty of 1830. The applicants are unable to furnish any testimony relative to their more remote ancestors.

The testimony as furnished by the record fails to show that these applicants, or any of their alleged ancestors, ever complied or attempted to comply, in person or by proxy, with the provision 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

- 3 -

of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter April 7, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is enclosed.

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

Respectfully,

E. A. Hitchcock,
Secretary.

1 inclosure.

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.

LETTER IN REPLY TO THE FOLLOWING

M. C. R. 5200.

Muskogee, Indian Territory, July 22, 1903.

William J. Allen,
Ardmore, Indian Territory.

Dear Sir:-

You are hereby notified that on the 16th 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 William J. Allen et al., of which decision you were advised by registered mail on the 31st day of January, 1903.

Respectfully,



Commissioner in Charge.

M. C. R. 5200.

OPY:

Muskogee, Indian Territory, July 22, 1903.

Francis A. Pierce,
Ardmore, Indian Territory.

Dear Sir:-

You are hereby notified that on the 16th 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 William J. Allen et al., of which decision you were advised by registered mail on the 31st day of January, 1903.

Respectfully,

T. B. Needham
Commissioner in Charge.

M. C. R. 5200,

copy.

Muskogee, Indian Territory, July 22, 1903.

Mansfield Mcmurry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

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 William J. Allen et al., of which decision you were advised by registered mail on the 31st day of January, 1903.

Respectfully,

I. B. Needles

Commissioner in Charge.

REFER TO M. C. R. 5200

William J. Allen
et al

Consolidated Case

8

Jonathan C. Allen 40
married
Martha Jane Denton
dead

William J. Allen 53
wife
Martha Ann Allen

John W. Allen 29 1/2
wife
Cordelia B. Allen w.

Delia A. Allen 26 1/2
George W. Richardson w.

Henry J. Allen 22
wife
Dora Allen

Robert H. Allen 20

Andrew J. Allen 20
wife
Doshia Allen w.

David C. Allen

Ida Cordelia Allen 16

Perry A. Allen 15

Mary B. Allen 8
William B. Allen 6
Lizzie Allen 4
Kathleen Allen 2
John Martin Allen 5 mo

Harriet Richardson 10
William J. Richardson 8
John W. Richardson 7
Bessie Lee Richardson 3
George Franklin Richardson 5 mo

Lulu Allen 4
Lena Allen 2

Bertha Lee Allen

RECEIVED M. C. R. 5200

William J. Allen
et al

Consolidated Case

Jonathan Cochran Allen
married

Martha Jane Gentry
dead

Andrew G. Allen

Wife

(1) Missouri Ann Allen, dead

(2) Harisa B. Allen, dead

(3) LouAnna, Allen "

Hillie Allen

married
Dary

Minnie Allen

married
Young

Charles E. Allen 22

Heda May Allen 20

Bessie Mildred Allen 17

Joseph Franklee Allen 15

Hillie Idda Allen 12

" Effie Nora Allen 9

Anna Clara Allen 7

Andrew Marcus Allen 5

Jackson Dewey Allen 3

Katherine Helma Allen 4 mos.

No.

5090

For Identification as a Mississippi Choctaw.

Date APR 1 12

Name William J. Allen,

Age 53, Blood 1/8

Post Office, Orr. L. T.

Father: Jonathan C. Allen, d

Mother: Martha J. " d

Claims through father —
wife Martha Allen, w.
No claim for wife.

Children:

David O. Allen. 18

~~Olivia~~

Ida Cordelia (F.) " 16

Perry A. (M) " 13

Claims for self &
children —

Stenographer

A. G. Kain -

3200

NO 23
1 PM
1922
REC'D

INDIANAPOLIS
INDIANA

26.1

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

FILED
MAR 10 1900

[Handwritten signature]
ACTING CHAIRMAN



332
A 352



1367



Department of the Interior.

Commission to the Five Civilized Tribes,

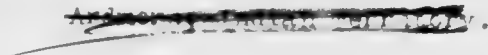
MUSKOGEE, IND. TER.

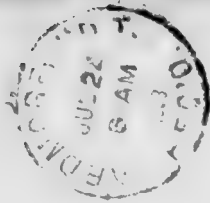
OFFICIAL BUSINESS.

Penalty for private use, \$300.



William J. Allen,





5300

146-7-7

66

100



General office M. C. R.

Advising that Sec of Int. has
affirmed Commission's decision

William J. Allen,

Assistant to the Chief Clerk

MUSKOGEE
JUL 22 7 50 P. M.
1903

Penalty for private use, \$300.

Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.



Choctaw MCR 5201

Sarah White

See MCR 4049, 489

MCR 5201

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Ind. Ter., June 4, 1900.

In the Matter of the Application of Sarah White:
for enrollment as a citizen of the Choctaw Na- :
tion.

Choc R 489 :

Sarah White, being first duly sworn, testified as follows:

By Mr. Bixby:

- Q What is your name? A Sarah White.
- Q What is your age? A 21 years.
- Q What is your postoffice address? A Dennison, Tex.
- Q Where do you live? A In Texas.
- Q Are you a Choctaw? A we 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 W. Sartor.
- Q Is he living? A Yes sir.
- Q Is he on the Choctaw rolls? A No sir.
- Q What county does he claim to belong to in the Choctaw Nation?
- A I don't know.
- Q Where did he live? A He was living in the Choctaw nation, but he have been living in Texas.
- Q How long has he been living in the Choctaw nation? A He moved here something over a year ago, he has been over there.
- Q Where did he live before he moved here? ~~from Texas~~ A Texas.
- Q What is the name of your mother? A Jennetta Sartor.
- 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 claims to belong?
- A No, I don't know.
- Q Is she living in Texas now? A They have been over in Texas a few days. They don't make it their home.
- Q How long have they been living here? A Little over a year.
- Q You never did live in the Ind. Ter.? A Yes, I have been living here; I have been living just across the river.
- Q How long ago did you live here? A Eight or none years ago. I have been living in Texas ever since I was married.
- Q Been living in Texas eight or none years? 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 from enrollment as a Choctaw? A Yes sir.
- Q Were you admitted or rejected by the tribal authorities?
- A Rejected.
- Q Did you take an appeal to the U. S. Court? A No sir.
- Q Did you ever apply to the Dawes Commission in '96 for admission as a citizen of the Choctaw Nation? A No sir.
- Q What proportion of Choctaw blood do you claim to have? A An eighth.
- Q Are you married? A Yes sir.
- Q Under what law were you married? A The U. S. law; we was married in Sherman, Tex.
- Q Were you living in Texas at the time you were married? A Yes sir.
- Q What is your husband's name? A Walter White.
- Q Is he on the Choctaw rolls? A No sir.
- Q He is a citizen of the U. S.? A Yes sir.
- Q Have you any children? A One.
- Q How old is he? A 15 months.
- Q Is there any additional statement you desire to make in regard to your case? A No sir.
- Q You will be permitted to offer any additional evidence in the form

R. 489.

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

In the matter of the application of Sarah White, for enrollment of herself and minor child as citizens by blood of the Choctaw Nation.

The applicant, Sarah White, appeared before the Commission at Atoka, Indian Territory, June 4th, 1900, and from her oral testimony given at that time on behalf of her claim for enrollment of herself and her minor child, Hiram White, 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 26th, 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 Sarah White and her minor child, Hiram White, is therefore hereby refused.

BY THE COMMISSION.



Acting Chairman.

Muskogee, Indian Territory, Request

25th, 1900.

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

REGISTERED MAIL

Choctaw R-489.

Muskogee, Indian Territory, March 7, 1902.

In the matter of the application of)
Sarah White, for the enrollment of)
herself and her minor child, Hiram)
White, as citizens of the Choctaw Nation.)

Sarah White,

Denison, Texas.

You are hereby notified that you will be allowed thirty days from the date hereof to submit to this Commission an affidavit, corroborated by two witnesses, showing that you and your minor child, Hiram White are entitled to be identified as Mississippi Choctaws under the act of Congress of June 28, 1898, which provides as follows:

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

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you and your child are descendants of Choctaw Indians who resided in the

S. W. 2

state of Mississippi in 1830, and that your ancestors, such Choctaw Indians complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.



Commissioner in Charge.

Register.

Miss. Choctaw 5201

Muskogee, Indian Territory, April 29, 1902.

Sarah L. White,
Utica, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of evidence of the birth of Walter S. White, infant son of Walter D. and Sarah L. White, born November 9, 1901, and the same is herewith returned to you for the reason that you failed to sign the affidavit of the mother, although the signature of the notary and his seal are affixed thereto. Upon receipt of the evidence of birth, with this correction, the matter will receive further consideration.

Yours truly,

Commissioner in Charge.

AB 1-29

Miss. Choctaw 5201

Muskogee, Indian Territory, May 7, 1902.

Sarah L. White,
Utica, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of evidence of the birth of Walter S. White, infant son of Walter D. and Sarah L. White, and the same is again returned to you for the reason that you did not sign the affidavit of the mother in the proper place. Kindly sign the same where it is marked with red pencil and return to this office, and upon receipt of the evidence of birth in proper form, the matter will receive consideration.

Yours truly,

Commissioner in Charge.

AB 1-7

Miss. Choctaw 5801

Muskogee, Indian Territory, May 15, 1902.

Sarah L. White,
Utica, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of evidence of the birth of Walter S. White, infant son of Sarah L. and Walter D. White, born November 9, 1901, and the affidavits of the mother and the physician at the birth of the child have been accepted as evidence of his birth, and filed with and made a part of your original application.

Yours truly,

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 1, 1902.

Sarah White,

Denison, Texas.

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

Annie Elizabeth Stanphill, et al.	M.C.R. 4049.
Julia L. Stanphill,	M.C.R. 373.
Mary Keeton, et al.	M.C.R. 376.
Latimer Kyers Cleveland, et al.	M.C.R. 4050.
Esther J. Sartor, et al.	M.C.R. 4649.
Sarah White, et al.	M.C.R. 5201.
Mary Jeanette Stanphill,	M.C.R. 5202.
Delphia A. Elliott, et al.	M.C.R. 5124.
Ivory Burks, et al.	M.C.R. 5125.
William M. Elliott,	M.C.R. 5289.
Nancy L. Curtis,	M.C.R. 5290.
Nancy M. Beebe, et al.	M.C.R. 4320.
Lutisha Armstrong, et al.	M.C.R. 4321.
Vincent S. Stanphill, et al.	M.C.R. 5379.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Annie Elizabeth Stanphill, Martha Stanphill, Luther Stanphill, Bessie Stanphill, Ada Stanphill, Tom Stanphill, Lillie Stanphill, Julia L. Stanphill (deceased), Mary Keeton, Maude Keeton, Margy Keeton, Latimer Kyers Cleveland, James L. 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, Miriam White, Walter S. White, Mary Jeanette Stanphill, Delphia A. Elliott, Jessie Elliott, Deflary Elliott, Samantha Elliott, Ruth Elliott, Grace Elliott, Florence Elliott, Lawson Elliott, Ivory Burks, Mabel 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, Washie Armstrong, Lonie Armstrong, Jimmie Armstrong, Vincent S. 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,

Registered.

Acting Chairman.

11-11-03

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

REFER IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

M. C. R. 5201.

ALLISON L. AYLESWORTH
SECRETARY

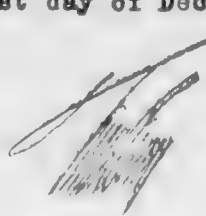
Muskogee, Indian Territory, April 18, 1903.

Sarah White,
Utica, 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,



Chairman.

REFER IN REPLY TO THE FOLLOWING:

MCR 5201

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

Muskogee, Indian Territory, December 6, 1906.

Sarah White,

Utica, 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 K. Stanphill in the consolidated Mississippi Choctaw case of Annie Elizabeth Stanphill, et al.

Respectfully,

Acting Commissioner.

MEMORANDA.

Name *Sarah J. White* (Date) *June 4* 1899 *1900*

Choctaw? County Year No.
 Chickasaw? County Year Page

Citizen by blood? *1/2* Mother's citizenship

Intermarried citizen?

Married under what law? *Texas*

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:

<i>W. M. Hindman White</i>	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

11.11

For Identification as a Mississippi Choctaw.

Date June 14. 1900

Name Sarah White

Age 21 Blood 1/8

Post Office, Winnieon Texas

Father: John W Sartor ✓

Mother: Jennetta " ✓

Claims through Mother
Hurtans Waller White
no claim for her

Children:

Hiram White 1/2 m

Transferred from
see index to ...

Stenographer: Francis R Brown

DURANT
APR
22
7AM
1903

CADDO
MAY
7
1903
REC'D.

F
JUN 3 1903

CHAS. R. ...

Open through
... ..
... ..

1/1

10/10

Sarah White,

Utica, Indian Territory.

[Handwritten signature]

[Handwritten initials]

MUSKOGEE, IND.
APR 21 1903
4 PM

Penalty for private use, \$3

OFFICIAL BUSINESS.

Department of the Interior
The Five Civilized Tribes
MUSKOGEE, IND. TER.





2nd Post Office

Register No. 522

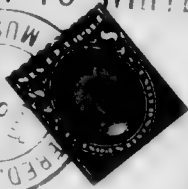
RETURN TO WRITER

Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.



RETURN TO WRITER

RETURN TO WRITER

Sarah White,
Denison, Texas.

RETURN TO WRITER



DURANT
DI. 788 N.
A. C.

T. D. W. T. R.
5 PM
C.

11/11

11/11

11/11

4

11/11

Choctaw MCR 5202

Mary J. Stanphill

See MCR 4049

MCR 5202

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, I. T., June 8, 1900.

Choc- R. 488.

In the Matter of the Enrollment of :
Mary J. Stanphill, as a citizen of the Choctaw Nation.

Mary J. Stanphill, being first duly sworn by Acting Chairman
Bixby, testified as follows:

By Mr. Bixby:

- Q What is your name? A Mary J. Stanphill.
Q What is your age? A Twenty-two years.
Q What is your postoffice address? A Jackson, I. T.
Q Do you live at Jackson? A Yes sir.
Q Are you a Choctaw by blood? 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 Vincent Stanphill.
Q Is he living? A Yes sir.
Q Is he on the Choctaw roll? A No sir.
Q To what county does he belong? A Jackson.
Q What is the name of your mother? A Annie E. Stanphill.
A Is she living? A Yes sir.
Q Is she on the Choctaw roll? A Yes, she applied awhile ago.
Q They didn't put her on the roll, did they? Is she on the Choctaw
Indian roll? A No sir.
Q Do you know to what county she claims to belong? A I do not.
Q To what county in the Choctaw nation do you belong? A I don't know.
Q How long have you lived in the Ind. Ter? A About 15 months.
Q Do you remember the exact date upon which you came to the Ind. Ter?
A Yes, about the last day of March, 1899.
Q Where did you live prior to coming to the Ind. Ter? A We lived in
Grayson county, Tex.
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? A No sir.
Q Did you apply to the Dawes Commission in '96 for enrollment as a
citizen of the Choctaw nation? A Yes sir.
Q Were you admitted or rejected by the Dawes Commission? A Rejected.
Q Did you appeal from the decision of the Dawes Commission to the
United States court? A No sir.
Q Do you know the title of the case under which you made
to the Dawes Commission? A No sir.
Q Who is Mary Lutitia? A Another family of the Stanphills.
Q You didn't take an appeal to the United States court? A No sir.
Q The rest of the family did, didn't it? A No sir.
Q What proportion of Choctaw blood do you claim to have? A An
eighth.
Q Are you married? A No sir.
Q Do you know Chas. D. Sullinger? A Yes sir.
Q You knew he and the other members of his family applied to the U. S.
Court from the decision of the Dawes Commission? A Yes sir.
Q Do you know anything about that? A Yes, they applied.
Q But you didn't? A No sir.
Q Is there any additional statement in regard to your case that you
desire to make at this time? A No sir.

By Commissioner Bixby: Your enrollment is refused
for the reason that your name does not appear upon
the rolls of the Choctaw Nation, and for the further
reason that your application to the Dawes Commission
in '96 for enrollment as a citizen of the Choctaw Na-
tion was denied, and for the still further reason

Muskogee, Indian Territory, December 1, 1902.

Mary Jeanette Stanphill,

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

Annie Elizabeth Stanphill, et al.	H.C.R. 4049.
Julia L. Stanphill,	H.C.P. 373.
Mary Keeton, et al.	H.C.R. 376.
Latimer Myers Cleveland, et al.	H.C.R. 4059.
Esther J. Sartor, et al.	H.C.R. 4649.
Sarah White, et al.	H.C.R. 5201.
Mary Jeanette Stanphill,	H.C.R. 5202.
Delphia A. Elliott, et al.	H.C.R. 5134.
Ivory Burks, et al.	H.C.R. 5125.
William E. Elliott,	H.C.R. 5289.
Nancy L. Curtis,	H.C.R. 5290.
Nancy M. Beebe, et al.	H.C.R. 4320.
Mutisha Armstrong, et al.	H.C.R. 4321.
Vincent S. Stanphill, et al.	H.C.R. 5379.

These applications were made under the provision of the Act of Congress of June 29, 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 Stamphill, Martha Stamphill, Luther Stamphill, Bonnie Stamphill, Ada Stamphill, Tom Stamphill, Lillie Stamphill, Julia L. Stamphill (deceased), Mary Keeton, Maude Keeton, Marge Keeton, Lathier Myers Cleveland, James L. Cleveland, Mary H. Cleveland, Charley V. Cleveland, John C. Cleveland, Albert A. Cleveland, Parney V. Cleveland, Thomas D. Cleveland, Clifford Cleveland, Beddery Cleveland, Gladys L. Cleveland, Esther J. Sartor, Margie Sartor, Alexander Sartor, Arthur Sartor, Ella Sartor, James Sartor, Millie Sartor, John Sartor, Sarah White, Miram White, Walter S. White, Mary Jeanette Stamphill, Delphia A. Elliott, Jessie Elliott, DeFlury Elliott, Samantha Elliott, Ruth Elliott, Grace Elliott, Florence Elliott, Lawson Elliott, Ivory Burks, Mabel Burks, Wilia E. Elliott, Nancy L. Curtis, Fney H. Leese, Charles P. Leese, Lutishie A. Leese, Minnie M. Leese, Mary E. Leese, Lillie E. Leese, Lutisha Armstrong, William L. Armstrong, Washie Armstrong, Lonie Armstrong, Jimmie Armstrong, Vincent S. Stamphill and Mallie Stamphill as Choctaw Indians entitled 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 all arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

COPY.

M.C.R.5202.

Muskogee, Indian Territory, April 18, 1903.

Mary J. Stanphill,

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):

Tama Kirby.

Chairman.

MCR 5202

Muskogee, Indian Territory, December 6, 1906.

Mary J. Stanphill,

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 Elisabeth Stanphill, et al.

Respectfully,

Acting Commissioner.

R. 488

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

In the matter of the Application of Mary J. Stanphill for enrollment as a citizen by blood of the Choctaw Nation.

The applicant, Mart J. Stanphill, appeared before the Commission at Atoka, Indian Territory, June 4th, 1900, and from her oral testimony given at that time on behalf of her 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.

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 a citizen by blood of the Choctaw Nation of Mary J. Stanphill, is therefore hereby refused.

BY THE COMMISSION.



Acting Chairman.

Atoka, Indian Territory, August 28th 1900.

MEMORANDA.

Name Mary J. Staphill (Date) June 4 1899

Choctaw? County _____ Year _____ No. _____
 Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? 1/8 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:

<u>22</u> <u>Mary J. Staphill</u>	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 to answer
 does not*

No. -

5202

For Identification as a Mississippi Choctaw.

Date June 4 1900

Name Harry V. Stimpert

Age 22 Blood 1/8

Post Office. Jackson, Miss.

Father: Vincent Stimpert ✓

Mother: Annie Stimpert ✓

Claims through mother.

July 24

Children.

Z...

Stenographer

Choctaw MCR 5203

John W. Allen

See MCR 5200

MCR 5203

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. April 15, 1902.

5203

In the matter of the application of John W. Allen for the identification of himself and his five minor children, Myrtle B., William B., Lizzie, Lutitia and John M. Allen, as Mississippi Choctaws.

Francis A. Pierce att'y for applicant; no appearance.

John W. Allen being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John W. Allen.
Q How old are you? A Twenty nine.
Q What is your post office address? A Orr, Chickasaw Nation.
Q Indian Territory? A Yes sir.
Q How long have you lived in Orr? A Near two years.
Q Where were you born? A Limestone, Texas.
Q Have you always lived in Texas? A Up to the last five years when I lived in the Indian Territory.
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 J. Allen.
Q We made application today, didn't he, to be identified as a Mississippi Choctaw? A Yes sir.
Q What is your mother's name? A Martha Allen.
Q You claim through your father, don't you? A Yes sir.
Q How much Choctaw blood do you claim? A A sixteenth I believe.
Q How do you know you claim one sixteenth Choctaw blood? A Well, of course I know nothing except what I have been taught or told; my grandfather was quarter Choctaw and my father was an eight; that would make me a sixteenth; I had a friend tell me that.
Q What was your grandfather's name? A I don't know anything about my grandfather on my father's side; on my mother's side it was Choate.
Q According to the statement of the father, John C. Allen was the ancestor through whom you claim: don't you know anything about John C. Allen?

- A Nothing except what my father told me.
- Q What did you hear him state? A He said my grandfather Jonathan C. Allen was a quarter Choctaw.
- Q Was your father ever been enrolled or recognized in any manner as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
- Q Are you married? A Yes sir.
- Q Is your wife living and she a white woman? A Yes sir.
- Q What is her name? A Cordelia B. Allen.
- Q Do you make any claim for her? A No sir.
- Q How many children have you? A Five living.
- Q What is the name of the oldest? A Myrtle B.
- Q How old? A Eight years old.
- Q Next? A William B.
- Q How old? A He is six years old.
- Q Next? A Lizzie.
- Q How old? A She is four.
- Q The next? A Lutitia.
- Q How old is Lutitia? A She is two years old.
- Q Is that all? A No sir, there's one more named John Martin.
- Q How old is John M.? A He is about five months old.
- Q You make application for yourself and these five children? A Yes sir.
- Q Is Cordelia B. Allen the mother of them all? A Yes sir.
- Q Were either of you married before you married each other? A No sir.
- Q Are these children living with you at your home? A Yes sir.
- Q Can you give the date of your marriage? A On January 26, 1895.
- Q By a minister and under a license? A Yes sir.
- Q Can you give the date of the marriage of your father and mother? A No sir.
- Q You haven't their marriage license with you? A No sir.

Reasonable time will be allowed this applicant to introduce proof of the marriage of his father and mother and also of his own with his wife Cordelia.

- Q Is your name or the name of your Children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or any of your 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 Dawes Commission for yourself and children under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship with your children 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 to be identified with your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

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

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 September 27, 1830; the object of the treaty was to remove as far as possible all the Choctaw Indians who lived in the old Choctaw Nation to the Choctaw Nation Indian Territory- from the country East of the Mississippi River to this new country West; 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 to protect the interests of those who wanted to remain back there article fourteen was put into the treaty; that article reads as follows; "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article of that treaty? A Yes sir.

Q Would enough to claim under it? A Yes sir.

Q You understand the purport, don't you, of that treaty and that article in it, - what the treaty was made for? A It was made for the benefit of what I am applying for now.

Q Article fourteen was made for the benefit of those who stayed in the old Choctaw Nation, is that right?

Q Did any of your Choctaw relations comply or attempt to comply with any of the provisions of that article of that treaty? A No sir.

Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My father. And my grandfather.

Q What was your grandfather's name? A Jonathan C. Allen.

Q Did he live in Mississippi? A I suppose he did.

Q Do you know? A I don't know.

Q Don't know whether he ever lived in Mississippi at all?

A I don't know.

Q Did your father ever live in Mississippi? A No sir, I don't know.

Q Don't you know whether he ever lives in the State of Mississippi?

A Not since I can remember; I have heard him say that he didn't live there.

Q Then you know from what he said that he never lived there? A Yes sir.

Q Now from what you heard, how about his father? A I have heard him say that his father came from Mississippi to Texas.

Q Did you ever hear him say that his father, Jonathan C. Allen, came there in 1830? A I don't know.

Q Did you ever hear him say that his father was head of a family in 1830? A I heard him say he wasn't.

Q Have you any evidence- or do you know the names of any Choctaw ancestors who lived in Mississippi in 1830? A No sir.

Q How old would Jonathan C. Allen be if living now? A About ninety years.

Q Where was he born? A In Mississippi.

Q How old was he when he left the State? A --

Q Do you know? A No sir, I don't.

Q Did he ever marry while in the State of Mississippi? A No, I suppose not.

Q Do you know whether he claimed through his father or mother? A No sir.

Q Don't know his father's or mother's name? 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 go to the United States Indian agent, within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.

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 1835 to 1836 and 1840? 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 as beneficiaries under article fourteen of the treaty of 1830? A I don't know.

The Choctaw Indians who stayed back there 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 Dancing Rabbit Creek to go to the United States Indian agent, Col. and 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 States; a good many Choctaw Indians did this whose names Col. Ward, the United States Indian agent, failed to put on his list known as Ward's register, and his failure to do this caused a good many Indians who had land in the old Choctaw Nation to have that land taken away from them by the Government and sold at its Public Land Sale. This caused many complaints among the Choctaws so that in 1837 March 3, 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 and this Commission also went to Mississippi and heard claimants under that article.

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 sir.

Q You never heard it? A No sir.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana to take the place of the land which they had formerly held in Mississippi and which the Government had taken from them and sold; this land to be taken from vacant Government land? A No sir.

Q This scrip was issued under act of Congress approved August 23, 1842; and was issued to those Indians who proved their right under article fourteen and also proved that the land had been taken from them; never heard that any of your ancestors received any such?

A No sir.

Q Have you any evidence or proof that you want to introduce now?

A No sir.

Q Do you desire any time in which to furnish further evidence in support of this application? A Yes sir.

Q Is William J. Allen who made application just before you your father? A Yes sir.

Q Do you want to have his case considered in connection with yours and yours with his? A Yes sir.

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 No sir.

Reasonable time will be allowed this applicant in which to furnish further evidence if he desires.

Applicant has the appearance and physical characteristics of being descended from white parentage; dark eyes, dark complexion and black hair- his mustache is light brown; 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 as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 15, 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 22nd day of April, 1902.

W. W. Smith

Notary Public.

Miss. Choctaw 6147
Miss. Choctaw 5203

Muskogee, Indian Territory, September 22, 1902

J. W. Allen,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 18, inclosing the following papers for filing in support of applications for identification as Mississippi Choctaws:

Marriage license and certificate between S. A. Allen and Docia Sanders, offered in support of the application of Andrew S. Allen, et al. for identification as Mississippi Choctaws.

Certified copy of marriage license and certificate between J. W. Allen and Cardelia Bell Young, offered in support of the application of John W. Allen, et al.

The same have been filed with the records in the above cases and will receive consideration in their disposition.

Respectfully,

Acting Chairman.

COPY.

M.C.R. 5203.

Muskogee, Indian Territory, January 31, 1903.

John W. Allen,

Orr, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William J. Allen, et al., embracing the following applications for identification as Mississippi Choctaws:

William J. Allen, et al.,	M.C.R. 5200
John W. Allen, et al.,	M.C.R. 5203
Delia A. Richardson, et al.,	M.C.R. 6161
Henry T. Allen, et al.,	M.C.R. 6159
Robert L. Allen,	M.C.R. 6160
Andrew S. Allen, et al.,	M.C.R. 6147
Andrew G. Allen, et al.,	M.C.R. 6333
Charles E. Allen,	M.C.R. 6325.

These applications were made under the provision of the Act of Congress of June 22, 1893 (30 Stats., 495), which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William J. Allen, David O. Allen, Ida Cordelia Allen, Perry A. Allen, John W. Allen, Myrtle B. Allen, William B. Allen, Lizzie

J. W. A. # 2.

Allen, Luititia Allen, John Martin Allen, Delia A. Richardson, Florence Virginia Richardson, William Joseph Richardson, John D. Richardson, Bessie Lee Richardson, George Franklin Richardson, Henry T. Allen, Lucy Allen, Arri Allen, Robert L. Allen, Andrew S. Allen, Bertha Lee Allen, Andrew G. Allen, Ada May Allen, Essie Mildred Allen, Joseph Franklin Allen, Lillie Ida Allen, Effie Nora Allen, Anna Clara Allen, Andrew Marcus Allen, Jackson Dewey Allen, Luther Delma Allen and Charles E. Allen as Choctaw Indians entitled 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,

Tame Bixby

Acting Chairman.

Registered.

M. C. R. 5203.

COPY:

Muskogee, Indian Territory, July 22, 1903.

John W. Allen,

Orr, Indian Territory.

Dear Sir:-

You are hereby notified that on the 16th 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 William J. Allen et al., of which decision you were advised by registered mail on the 31st day of January, 1903.

Respectfully,

T. B. Needles.

Commissioner in charge.

No.

5203

For Identification as a Mississippi Choctaw.

Date

APR 1. 1902

Name John W. Allen.

Age 29 - Blood $\frac{1}{16}$ -

Post Office. Orr, ~~Frank~~ d. P.

Father: William J. Allen, l

Mother: Martha " l

Claims through father -
wife Cordelia B. Allen, w.
No claim for wife -

Children:

Myrtle B. Allen, 8

William B. " 6

Lizzie " 4

Lutitia " 2

John M. " 5 m.

Claims for each of
children

Stenographer

H. G. Harris,

Choctaw MCR 5204

William T. Osborn

See MCR 4465, 4466, 4322
4467, 4706 .

MCR 5204

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

-----o-----

In the matter of the application of William T. Osborn, et al., for identification as Mississippi Choctaws, consolidating the applications of:

William T. Osborn, et al.,	M.C.R. 5204
Richard A. Osborne, et al.,	M.C.R. 4465
James Osborne,	M.C.R. 4466
Mary J. Simpson, et al.,	M.C.R. 4322
Burel Simpson,	M.C.R. 4467
John Osborn, et al.,	M.C.R. 4706

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

	(Page)
Original application of William T. Osborn, et al., before the Dawes Commission for identification as Mississippi Choctaws-----	1
Original application of Richard A. Osborne et al., before the Dawes Commission for identification as Mississippi Choctaws-----	9
Marriage record of Richard A. Osborn and Eliza Jane Payne-----	14 a
Original application of James Osborne before the Dawes Commission for identification as a Mississippi Choctaw-----	15
Original application of Mary J. Simpson, et al., before the Dawes Commission for identification as Mississippi Choctaws-----	18
Original application of Burel Simpson before the Dawes Commission for identification as a Mississippi Choctaw-----	22

-----o-----

Page.

Original application of John Osborn, et al., before the Dawes Commission for identification as Mississippi Choctaws ..	26
Decision of the Commission refusing the consolidated application of William T. Osborn, et al., for identification as Mississippi Choctaws	31

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 15, 1902.

5204

In the matter of the application of William T. Osborn for the identification of himself and his two minor children, Lillie Belle and Radford B. Osborn, as Mississippi Choctaws.

F.A.Pierce, att'y for applicant; no appearance by attorney.

William T. Osborn being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William T. Osborn; (spells the name).
Q What is your age? A Fifty four.
Q What is your post office address? A Brown, Oklahoma.
Q How long have you lived at Brown, Oklahoma? A I have been there about ten years this last January.
Q Where did you live previous to your living there? A Chickasaw Nation.
Q How long have you lived in the Chickasaw Nation? A Three years.
Q Where did you live before that? A Illinois.
Q Where were you born? A In Illinois.
Q Where in Illinois? A Jefferson County.
Q And did you live in Illinois till you came to Oklahoma? A Till I came to the Chickasaw Nation; I stayed in Texas one year and then to the Chickasaw Nation.
Q Do you remember that year when you were in Texas? A No, I can't tell you.
Q Before you came to the Chickasaw Nation? A Yes sir.
Q Is your father living? A No sir, dead.
Q Is your mother living? A Dead too.
Q What was your father's name? A R.B.Osborn.
Q What was your mother's name? A Martha Carpenter before she married.
Q Martha Osborn after she married your father? A Yes sir.
Q Through which parent do you claim your Choctaw blood? A Through the Carpenter.
Q Through which parent? A My mother.

- Q How much Choctaw blood do you claim? A Well, I don't know; I guess about one sixteenth.
- Q Do you know? A No, I don't.
- Q Can you state positively? A No sir. Only what I have been told; I was small.
- Q Has your mother ever been recognized as a Choctaw Indians or enrolled as one by the Choctaw tribal authorities or the authorities of the United States? In the Indian Territory? A I don't think she has.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q Is she a Choctaw Indian or a white woman? A White woman.
- Q What is her name? A Martha Caroline Osborn.
- Q Do you make any claim for her? A No; I said Martha I meant Virginia Caroline.
- Q You want to change it, do you? A Yes sir.
- Q Have you any children under twenty one years of age and unmarried whom you want to make application for? A Two.
- Q What is the name of the oldest? A Lillie Belle Osborn.
- Q How old is she? A Seventeen.
- Q The next? A Burrell.
- Q A boy? A R. B.
- Q Now what does the "R" stand for? A Radford.
- Q Radford B. is it? A Yes sir.
- Q How old is Radford? A Fifteen.
- Q You claim for yourself and these two 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? A I guess not.
- Q Is Virginia Caroline Osborn the mother of these children? A Yes sir.
- Q Are you and she living together as husband and wife? A Yes sir.
- Q And the children are living with you both at your home? A Yes sir.
- Q Were either of you married before you married each other? A No sir.
- Q Have you proof of the marriage between yourself and wife with you now? A No sir.
- Q You can produce that proof later, can you? A Yes sir; we was married the 24th September, 1874.
- Q By a minister and under a license? A Yes sir.

Reasonable time will be allowed you to prove marriage between yourself and wife.

- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application to the Dawes Commission for citizenship in the Choctaw Nation 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 previous to this time? 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 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 as I do thoroughly.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek on the 27th day of September, 1830. The object of that treaty was to remove all 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 Indian would refuse to go to the Indian Territory, and in order to protect the interests of those who remained back there 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 by signifying his intention to the agent, within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not 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 of that treaty? A I don't know whether I do or not.

Q You don't know whether you can claim under it then, do you? (No answer.)

Q What is there about it you don't understand? (No answer).

Q The treaty of 1830 was made between the United States Government and the Choctaw Indians--- A Yes sir.

-and was made for the purpose of getting an agreement on the part of the Choctaw Nation to leave the old Choctaw Nation East of the Mississippi River and come to the Choctaw Nation, Indian Territory, you understand? A Yes sir.

Q It was signed and under it most of the Choctaw Indians did come to the Choctaw Nation as they agreed to do; but about 6000 Indians

stayed back in the old Nation; as they didn't come, some provision had to be made for them in that treaty and this was done in article fourteen of that treaty; article fourteen was passed for the special benefit of the Choctaw Indians who are now called Mississippi Choctaw Indians, of whom you now claim to be one. Now they could stay back there and afterwards own lands and not lose the right to become members of the Choctaw tribe in the Indian Territory- as you are trying to do now- provided they did certain things; these things are what you ought to know now, because you are claiming to be a descendant of Mississippi Choctaw Indians. Now, what your Mississippi Choctaw ancestors must have done is this;- gone to the United States Indian agent, Col. Ward, who had an agency in Mississippi in Mississippi in 1830 and 1831, and told him that they wanted to stay in Mississippi, take lands there under that treaty and article, and become citizens of the States, in other words he must have registered or attempted to register his name with the Indian agent as one of those Indians who wanted to stay back there and become a citizen of the United States. You understand that? A Yes sir.

Q If he did that he might afterwards come to the Choctaw Nation, Indian Territory, and become a citizen there. But if you claim any rights now under that as a Choctaw Indian, it is necessary for you to prove that your ancestors did these things. You understand that, do you? A Yes sir.

Q You understand that article then, don't you? A Well, there is some parts right there that I don't thoroughly understand it.

Q Well, tell me what they are? A I don't understand the meaning of it.

Q Of what? State what they are; and if you cannot state what they are, we will go on. Do you understand it or not? A (No answer).

(This applicant refuses to answer whether or not he understands article fourteen of the treaty of 1830; he has been requested to do so several times; although an explanation was given to him of this article and the article was read to him, and at his request he was given further explanation--)

A I would like to have further information.

Q Tell me on what points you would like to have further information.

A This article fourteen; I don't understand it.

Q I have explained that article to you twice after reading it to you, and now you don't seem to have heard article fourteen; I have been talking about article fourteen and explaining it.

A That's under the Carpenters aint it? The Indian? That means the right I am trying to get at.

Q What do you mean by the Carpenters? A Well, the Carpenters is Indians that I am claiming under; William Carpenter was a half breed

Q You are talking about some ancestor, are you? A Yes sir.

Q What was this Carpenter's full name? A William.

Q What kin was he to you? A He was my mother's grandfather.

Q Your great grandfather? A Yes sir.

Q Was he a Choctaw Indian? A That's what I have been told.

Q Full blood? A Half breed.

Q Did he live in Mississippi in 1830? A I think he did.

Q Do you know he did? A No sir. I don't. That's what I have been told by my father and mother.

- Q Did they say he lived in Mississippi in 1830? A I don't know what year.
- Q I asked you if it was in 1830? A I can't tell that.
- Q Did he have a family of children in Mississippi in 1830- in other words was he head of a family there then? A I can't tell that.
- Q Can you give the name of any ancestor who lived in Mississippi in 1830 and was head of a family there then? A No sir.
- Q Do you know whether William Carpenter claimed through his father or mother? A His father.
- Q Do you know his name? A No sir.
- Q You claim through your mother, Martha? A Yes sir.
- Q Did she live in Mississippi-- A No sir, Tennessee.
- Q How old would she be if living now? A I can't tell you.
- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A I can't say.
- Q Did William Carpenter or any of your Choctaw ancestors have a Choctaw Indian name or speak the Choctaw language? A I can't say; I don't know.

(The Commission will attempt once more to make you understand as far as possible the meaning of the fourteenth article of the treaty of 1830.

The fourteenth article required that in case a Choctaw desired to remain here in Mississippi and receive land from the Government under its provisions, he should, within six months after the treaty of Dancing Rabbit Creek was ratified, signify his intention to the agent;-- that is, he must let the agent know in some way that he desired to remain and take advantage of the provisions of the fourteenth article. The treaty of Dancing Rabbit Creek was ratified on the 24th day of February, 1831. Now, after a Choctaw had signified his intention to the agent to remain, he was entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey. If he had a child in his family over ten years of age, that child was entitled to a ~~quarter~~ ^{quarter} section-- to one half as much as its parent, or 320 acres of land; if he had a child under ten years of age, he that child was entitled to a quarter section, or 160 acres of land. The reservation of the children must adjoin the location of the parent, and these reservations must include the present improvement of the head of the family-- that is the improvement owned by the head of the family on the date the treaty was made, or the 27th day of September, 1830. Now, by the provisions of this fourteenth article, this Choctaw was required to live on his reservation for five years from the time the treaty was ratified, or five years from February 24, 1831, and he was then entitled to a grant in fee simple for the land; that is, he was entitled to a deed or patent from the Government granting to him its right, title and interest in and to the land, and thereupon, he would have the right to dispose of this tract of land at his pleasure. The last clause of that fourteenth article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That clause meant that in case a Choc-

law preferred to stay here in Mississippi and become a citizen of the states and receive land under article fourteen, he should not, by so doing, forfeit his rights to citizenship in the new Choctaw Nation in Indian Territory, except his rights to the Choctaw annuity. The Choctaw annuity was money which became due annually to the Choctaw tribe of Indians under treaty provisions.

Q Now, do you understand that article? A Well, he should not lose his citizenship under that article by coming before the Commissioners.

Q You don't understand that article yet, do you? A To be honest with you, I don't. If there aint nothing due me I don't want it.

(The applicant states that he is not able to understand article fourteen of the treaty of 1830, and the Commission feels that it has exhausted all its mental faculties and powers to plainly make this applicant understand the provisions of article fourteen of the treaty of 1830, and that if this applicant is not able to understand it, the fault is with his own inability to understand plain, direct and simple language and an explanation of the treaty and its purpose.

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 remain in Mississippi, take land there and become citizens of the United States?

A No sir.

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 I don't know whether they did or not.

Q Did they own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I can't say.

The Indians who stayed back there in the old Choctaw Nation in Mississippi or Alabama 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 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 who Col. Ward failed to put upon his list known as Ward's register, and the result of his neglect to do so caused many who had lands in Mississippi upon which they had improvements to lose both lands and improvements for they were taken from them by the Government and sold at its Public Land Sale; this caused a great many complaints among the Choctaw Indians so that in 1837 by act approved March 3, that year, Congress appointed a Commission; 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 and this Commission went to Mississippi and

heard claimants under article four teen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits as Choctaw Indians under article four teen of that treaty? A I can't say.

Q Did any of your Choctaw ancestors receive any scrip from the Government of the United States, having proved their right under article four teen, and having also proved that they had formerly had land in Mississippi which the Government had taken from them and sold? A I can't say about that.

Q This scrip was issued under act of Congress approved August 23, 1842 which entitled the holder 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 owned in Mississippi in the old Choctaw Nation and which the Government had taken from them and sold; you never heard about that?

A No sir.

Q Have you any other evidence you want to introduce at this time?

A No, sir.

Q Do you want any time in which to introduce further testimony?

A Any you can give me.

Reasonable time will be allowed this applicant in which to furnish any proper evidence in support of this application.

Q Do you speak Choctaw? A No sir.

Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A I have a brother and sisters.

Q What is the name of the brother? A Allen Osborn.

Q When did he come here? A I can't tell you just when. Sometime in this winter.

(The case of Allen Osborn, M.C.R. 4465---, is referred to) The records of the Commission show that M.C.R. 4465 Richard A. Osborne is the nearest name to Allen Osborn.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has blue eyes, medium fair complexion, brown hair; he does not understand 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 15, 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 22nd day of April, 1902.

Clara Mitchell Wood

Notary Public.

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

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

In the matter of the application of William T. Osborn, et al., for identification as Mississippi Choctaws, consolidating the applications of:-

William T. Osborn, et al.,	M.C.R. 5204
Richard A. Osborne, et al.,	V.C.R. 4465
James Osborne,	M.C.R. 4466
Mary J. Simpson, et al.,	M.C.R. 4322
Burel Simpson,	M.C.R. 4467
John Osborn, et al.,	M.C.R. 4706

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

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by William T. Osborn for himself and his two minor children, Lillie Belle and Radford Burrell Osborn; by Richard A. Osborne for himself and his five minor children, Eva, Addie, Burrell, Jesse and Willie Osborne; by James Osborne for himself; by Mary J. Simpson for herself and her eight minor children, Ada M., Oscar, Ottie J., Luther, Everett, Mary, Arthur and Noah Simpson; by Burel Simpson for himself, and by John Osborn for himself and his minor child, Charley Osborn, 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 Samuel Carpenter, who is alleged to have been an one-half blood Choctaw Indian, and of William (or Billy) Carpenter, who is alleged to have been an one-half blood Choctaw Indian.

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

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 Samuel Carpenter, or William (or Billy) Carpenter, or an ancestor less remote, signified (in per-

son or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1857 (5 Stats., 180) and August 23, 1842 (5 Stats., 613).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William T. Osborn, Lillie Belle Osborn, Radford Burrell Osborn, Richard A. Osborne, Eva Osborne, Addie Osborne, Burrell Osborne, Jesse Osborne, Willie Osborne, James Osborne, Mary J. Simpson, Ada M. Simpson, Oscar Simpson, Ottie J. Simpson, Luther Simpson, Everett Simpson, Mary Simpson, Arthur Simpson, Noah Simpson, Burel Simpson, John Osborn and Charley Osborn as Choctaw Indians entitled 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.

Tame Dixey

Acting Chairman.

T. B. Wood

Commissioner.

C. B. Prockinrife

Commissioner.

Muskogee, Indian Territory,

DEC -1 1902

COPY

Muskogee, Indian Territory, December 1, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William T. Osborn, et al., embracing the following applications for identification at Mississippi

Choctaws:

William T. Osborn, et al.,	M.C.R. 5204
Richard A. Osborne, et al.,	M.C.R. 4465
James Osborne,	M.C.R. 4466
Mary J. Simpson, et al.,	M.C.R. 4322
Burel Simpson,	M.C.R. 4467
John Osborn, et al.,	M.C.R. 4706

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,McM & C-2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William T. Osborn, Lillie Belle Osborn, Radford Burrell Osborn, Richard A. Osborne, Eva Osborne, Addie Osborne, Burrell Osborne, Jesse Osborne, Willie Osborne, James Osborne, Mary J. Simpson, Ada M. Simpson, Oscar Simpson, Ottie J. Simpson, Luther Simpson, Everett Simpson, Mary Simpson, Arthur Simpson, Noah Simpson, Burel Simpson, John Osborn and Charley Osborn as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Tamm Dickey
Acting Chairman.

COPY

Muskogee, Indian Territory, December 1, 1902.

F. A. Pierce,
 Attorney at Law,
 Ardmore, Indian Territory.

Dear Sir:

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 William T. Osborn, et al., embracing the following applications for identification as Mississippi

Choctaws:

William T. Osborn, et al.,	M.C.R. 5204
Richard A. Osborne, et al.,	M.C.R. 4465
James Osborne,	M.C.R. 4466
Mary J. Simpson, et al.,	M.C.R. 4322
Burel Simpson,	M.C.R. 4467
John Osborn, et al.,	M.C.R. 4706

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:

F. A. Pierce-2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William T. Osborn, Lillie Belle Osborn, Radford Burrell Osborn, Richard A. Osborne, Eva Osborne, Addie Osborne, Burrell Osborne, Jesse Osborne, Willie Osborne, James Osborne, Mary J. Simpson, Ada M. Simpson, Oscar Simpson, Ottie J. Simpson, Luther Simpson, Everett Simpson, Mary Simpson, Arthur Simpson, Noah Simpson, Burel Simpson, John Osborn and Charley Osborn as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

SIGNED

Acting Chairman.

Registered.

File

M.C.R. 5204

COPY

Muskogee, Indian Territory, December 1, 1902.

William T. Osborn,
Brown, Oklahoma.

Dear Sir:

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 William T. Osborn, et al., embracing the following applications for identification as Mississippi

Choctaws:

William T. Osborn, et al.,	M.C.R. 5204
Richard A. Osborne, et al.,	M.C.R. 4465
James Osborne,	M.C.R. 4466
Mary J. Simpson, et al.,	M.C.R. 4322
Burel Simpson,	M.C.R. 4467
John Osborn, et al.,	M.C.R. 4706

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:

William T. Osborn-2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William T. Osborn, Lillie Belle Osborn, Radford Burrell Osborn, Richard A. Osborne, Eva Osborne, Addie Osborne, Burrell Osborne, Jesse Osborne, Willie Osborne, James Osborne, Mary J. Simpson, Ada M. Simpson, Oscar Simpson, Ottie J. Simpson, Luther Simpson, Everett Simpson, Mary Simpson, Arthur Simpson, Noah Simpson, Burel Simpson, John Osborn and Charley Osborn as Choctaw Indians entitled 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,

[Signature]
Acting Chairman.

Registered.

Muskogee, Indian Territory, December 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William T. Osborn, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 1, 1902.

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

William T. Osborn, et al.,	M. C. R. 5204
Richard A. Osborne, et al.,	M. C. R. 4465
James Osborne,	M. C. R. 4466
Mary J. Simpson, et al.,	M. C. R. 4322
Burel Simpson,	M. C. R. 4467
John Osborn, et al.,	M. C. R. 4706

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. 5204.

Acting Chairman.

COPY.
DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Land 75268-1902.

June 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted 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: William T. Osborn for himself and his two minor children, Lillie Belle and Radford Burrell Osborn; Richard A. Osborn for himself and his five minor children Eva, Addie, Burrell, Jesse and Willie Osborn; James Osborn for himself; Mary J. Simpson for herself and her eight minor children, Ada M., Oscar, Oattie J., Luther, Everett, Mary, Arthur and Noah Simpson; Burel Simpson for himself; John Osborn for himself and his minor child, Charley Osborn, wherein a decision adverse to the applicants was rendered by the Commission December 1, 1902.

The testimony in this case shows that the applicants base their claim to identification on their descent from Samuel, William, Sr., and William, Jr., Carpenter, who it is alleged were Choctaw Indians and residents in Mississippi or Alabama at the time of the making

of the treaty of 1830, through Martha Osborn (nee Carpenter) mother of the principal applicant and daughter of William Carpenter, Jr.

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

An examination of the records of this office has been made with reference to the names of Samuel Carpenter, William Carpenter, Sr. and William Carpenter, Jr. 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 said treaty; neither does it appear that applied to the Commissions appointed under Acts. of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians.

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

Very respectfully,

W. A. Jones,
Commissioner.

C.T.C.

COPY
DEPARTMENT OF THE INTERIOR.
WASHINGTON.

WCF
EAF

D.C. 17658
ITD 5068-1903.

June 20, 1903.

IRS.

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

Gentlemen:

December 17, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of William T. Osborn and his minor children, Lillie Belle and Radford Burrell Osborn; of Richard A. Osborne and his minor children, Eva, Addie, Burrell, Jesse and Willie Osborne; of James Osborne; of Mary J. Simpson and her minor children, Ada M. Oscar, Ottie J., Luther, Everett, Mary, Arthur and Noah Simpson; of Burel Simpson; and of John Osborn and his minor child, Charley Osborn. You refused the applications December 1, 1902.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Samuel Carpenter and William Carpenter, through Martha Osborn (nee Carpenter), mother of principal applicant William T. Osborn, it being alleged that said ancestors were Choctaw Indians and residents in Mississippi in 1830.

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

Reporting June 11, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his report is inclosed.

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

Respectfully,

(signed) E. A. HITCHCOCK.
Secretary.

1 inclosure.

M.C.R.5204

COPY.

Muskogee, Indian Territory, July 14, 1903.

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

Gentlemen:

You are hereby notified that on the 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 William T. Osborn, et al., of which decision you were advised by mail on the 1st day of December, 1902.

Respectfully,

T. D. Noodles.
Commissioner in Charge.



M.C.R.5204

COPY.

Muskogee, Indian Territory, July 14, 1903.

F. A. Pierce,

Ardmore, Indian Territory.

Dear Sir:

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 William T. Osborn, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

I. B. Needles.
Commissioner in Charge.

COPY.

M.C.R.3204

Muskogee, Indian Territory, July 14, 1903.

William T. Osborn,
Brown, Oklahoma Territory.

Dear Sir:

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 William T. Osborn, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

E. D. ...
Commissioner in Charge.

REF TO ... 5204

William J. Osborn, et al

Consolidated Case

Samuel Carpenter 1/2

William Carpenter, 1/2
or
Billy

Martha (or Frances) Carpenter
Dead
married
Radford B Osborn

^{mck}
5204 William T Osborn, 54
wife
Virginia Cowlin Osborn,

^{mck}
5204 Lillie Belle Osborn, 17
Radford B. Osborn, 15

^{mck}
4465 Richard A Osborn, 49
wife
Eliza Jane Osborn

^{mck}
4466 James Osborn, 22, 1/16
John Osborn, ?
^{mck}
4465 Eva Osborn, 19
Addie Osborn, 14
Burrell Osborn, 12
Jesse Osborn, 5
Willie Osborn, 3

^{mck}
4322 Mary J Osborn, 42 1/2
married
Fred Simpson, w

^{mck}
4467 Burrell Simpson, 23, 1/16
^{mck}
4322 Ada M Simpson, 19
Oscar Simpson, 16
Ottie J. Simpson, 13
Luther Simpson, 10
Everett Simpson, 7
Mary Simpson, 5
Arthur Simpson, 3
Noah Simpson, 1

^{mck}
4786 John Osborn, 36, 1/8
wife
Lizzie Osborn, w Dead

^{mck}
4786 Charley Osborn 5

No. 5204

For Identification as a Mississippi Choctaw.

Date

APR 11 1902

Name William T. Osborn.

Age 54 - Blood dont know.

Post Office, Brown, Okla.

Father: R. B. Osborn, d


Mother: Martha " - d

Claims through mother -
wife, Virginia,
~~Martha C. Osborn, w.~~

No claim for wife,

Children:

Lillie Belle " 17

 Radford B. " 15

Claims for self &
2 children -

Stenographer

W. H. McNeill.

END

OF

ROLL

